

## COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 2 of 7

U.S. OFFICE OF SPECIAL COUNSEL

(202) 254-3650 / (800) 854-2824

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)*(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate.  
(If more space is needed, use Continuation Sheet at page 4.)*

## PART 1: COMPLAINANT'S INFORMATION

1. Name of person filing complaint: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)
2. Agency name (if referring complaint): \_\_\_\_\_
3. Agency address (if referring complaint): \_\_\_\_\_
4. Home or mailing address (if filing complaint): (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)
5. Contact information: Telephone number(s): (b) (6), (b) (7)(C) \_\_\_\_\_ (Home)  
Fax number: \_\_\_\_\_ (Office) Ext. \_\_\_\_\_  
E-mail address: \_\_\_\_\_
6. How did you first become aware that you could file a complaint with OSC?
- ( ) OSC Web site ( ) OSC speaker ( ) OSC brochure ( ) OSC poster  
(✓) news story ( ) agency personnel office ( ) union ( ) co-worker  
(✓) other (please describe): Letter dated October 29, 2016 from (b) (6), (b) (7)(C)  
Date (approximate): October 30, 2016

## PART 2: SUBJECT'S INFORMATION

7. Name of person who violated the Hatch Act ("Subject"): James B. Comey
8. Agency: Federal Bureau of Investigation
9. Position/Title: Director
10. Federal, District of Columbia (DC), State/Local or Nonprofit employee (check one):  
(☒) Federal employee  
( ) DC employee  
( ) State or Local employee  
( ) Nonprofit organization employee
11. Contact information: Telephone number(s): ( ) \_\_\_\_\_ (Home)  
( ) \_\_\_\_\_ (Office) Ext. \_\_\_\_\_  
Fax number: ( ) \_\_\_\_\_  
E-mail address: \_\_\_\_\_

**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**

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12. Subject's Supervisor's Name: Loretta Lynch
13. Subject's Supervisor's Contact information:
- Telephone number(s): ( ) \_\_\_\_\_ (Home)  
( ) \_\_\_\_\_ (Office) Ext. \_\_\_\_\_
- Fax number: ( ) \_\_\_\_\_
- E-mail address: \_\_\_\_\_
14. Does Subject have knowledge of the Hatch Act? (check one): ( ☒ ) Yes  
( ☐ ) No  
( ☐ ) Not sure
15. If you answered Yes to question 14, please explain how Subject knows about the Hatch Act (e.g. agency training, agency's distribution of brochures, flyers, e-mails, etc.) Agency training

**PLEASE COMPLETE THE FOLLOWING ONLY IF THE SUBJECT IS A STATE OR LOCAL OR NONPROFIT ORGANIZATION EMPLOYEE. IF NOT, SKIP TO PART 3:**

16. Does Subject's employing agency receive federal funds? (check one): ( ☐ ) Yes  
( ☐ ) No  
( ☐ ) Not sure
17. If you answered Yes to question 16, please provide the following:
- a) Nature and source of federal funds \_\_\_\_\_  
\_\_\_\_\_
- b) Name of individual (s) at agency responsible for federal funds: \_\_\_\_\_  
\_\_\_\_\_
- c) Contact information for individual (s) responsible for federal funds:
- Telephone Number (s): ( ) \_\_\_\_\_
- Fax Number: ( ) \_\_\_\_\_
- E-mail address: \_\_\_\_\_
18. Does the Subject perform duties in connection with federal funds? (check one) ( ☐ ) Yes  
( ☐ ) No  
( ☐ ) Not sure
19. If you answered yes to question 18, please provide the type of duties Subject performs in connection with Federal funds:
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

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## PART 3: DETAILS OF COMPLAINT

20. What are the actions that you are reporting to OSC? Please attach all supporting documentation to the complaint form. **IF YOU ARE ALLEGING CANDIDACY IN A PARTISAN ELECTION, PLEASE PROVIDE THE DATE OF THE ELECTION AND/OR THE DATE NOMINATING PETITIONS ARE DUE. IF YOU ARE ALLEGING POLITICAL ACTIVITY WHILE ON DUTY OR IN A FEDERAL BUILDING FOR FEDERAL EMPLOYEES, PLEASE PROVIDE THE TIME AND/OR PLACE THE ACTIVITY OCCURRED.**

On Friday, October 28, 2016, the director of the F.B.I., James B. Comey, sent to members of Congress a letter purportedly updating them on developments in the agency's investigation of the emails of a presidential candidate, Hillary Clinton. In my opinion, the letter was sent in violation of a longstanding Justice Department policy of not discussing specifics about pending investigations with others, including members of Congress. On information and belief, the letter was sent before the F.B.I. had even obtained the search warrant that it needed to look at the purportedly newly discovered emails. And it was sent days before the forthcoming November 8, 2016 presidential election, at a time when many Americans are in the process of voting in those states that permit early voting. Violations of the Hatch Act and of government ethics rules on misuse of official positions are not permissible in any circumstances, especially in the case of a high official in an executive branch, who appears to have been acting under pressure from politically motivated members of Congress. Such violations are of even greater concern when the agency is the F.B.I. It is imperative that this conduct be condemned and prosecuted to the full extent of the law.



## COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

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**PART 4: CONSENT TO CERTAIN DISCLOSURES OF INFORMATION**

OSC asks everyone who files a complaint alleging a possible prohibited political activity (violation of the Hatch Act) to select one of three Consent Statements shown below. **IF YOU DO NOT SELECT ONE OF THE THREE CONSENT STATEMENTS BELOW, OSC WILL ASSUME THAT YOU HAVE SELECTED CONSENT STATEMENT 1.** Please: (a) select and sign (or check, if filing electronically) one of the Consent Statements below, and (b) keep a copy of the Consent Statement you select (as well as a copy of all documents that you send to OSC) for your own records.

If you initially select a Consent Statement that restricts OSC's use of information, you may later select a less restrictive Consent Statement. If your selection of Consent Statement 2 or 3 prevents OSC from being able to conduct an investigation, an OSC representative will contact you, explain the circumstances, and provide you with an opportunity to select a less restrictive Consent Statement.

You should be aware that the Privacy Act allows information in OSC case files to be used or disclosed for certain purposes, regardless of which Consent Statement you sign. See 5 U.S.C. § 552a(b). Information about certain circumstances under which OSC can use or disclose information under the Privacy Act appears on the next page.

(Please sign one)

**Consent Statement 1**

I consent to OSC's communication with the pertinent individuals involved in my complaint. I agree to allow OSC to disclose my identity as the complainant, and information from or about me, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

(b) (6), (b) (7)(C)

October 30, 2016

Date Signed

**Consent Statement 2**

I consent to OSC's communication with the pertinent individuals involved in my complaint, but I do not agree to allow OSC to disclose my identity as the complainant. I agree to allow OSC to disclose only information from or about me, without disclosing my name or other identifying information, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that in some circumstances OSC could not maintain my anonymity while communicating with the pertinent individuals. In such cases, I understand that this request for confidentiality might prevent OSC from taking further action on my complaint. I also understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 2

Date Signed

**Consent Statement 3**

I do not consent to OSC's communication with the pertinent individuals involved in my complaint. I understand that if OSC decides that it cannot investigate the allegation(s) in my complaint without communicating with these individuals, my lack of consent will probably prevent OSC from taking further action on the complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 3

Date Signed



**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**

Page 6 of 7

**PART 6: CERTIFICATION AND SIGNATURE**

*I certify that all of the statements made in this complaint (including any continuation pages) are true, complete, and correct to the best of my knowledge and belief. I understand that a false statement or concealment of a material fact is a criminal offense punishable by a fine of up to \$250,000, imprisonment for up to five years, or both. 18 U.S.C. § 1001.*

**(b) (6), (b) (7)(C)**

October 30, 2016

Date Signed

**PART 6: PRIVACY ACT / PAPERWORK REDUCTION ACT STATEMENTS**

Routine Uses. Limited disclosure of information from OSC files is needed to fulfill OSC's investigative, prosecutorial, and related responsibilities. OSC has described 18 routine uses for information in its files in the *Federal Register* (F.R.), at 66 F.R. 36611 (July 12, 2001), and 66 F.R. 51095 (October 5, 2001). A copy of the routine uses is available from OSC upon request. A summary of the routine uses appears below.

OSC may disclose information from its files in the following circumstances:

1. to disclose that an allegation of prohibited personnel practices or other prohibited activity has been filed;
2. to disclose information to the Office of Personnel Management (OPM) as needed for inquiries involving civil service laws, rules or regulations, or to obtain an advisory opinion;
3. to disclose information about allegations or complaints of discrimination to entities concerned with enforcement of antidiscrimination laws;
4. to the MSPB or the President, when seeking disciplinary action;
5. to the involved agency, MSPB, OPM, or the President when OSC has reason to believe that a prohibited personnel practice has occurred, exists, or is to be taken;
6. to disclose information to Congress in OSC's annual report;
7. to disclose information to third parties as needed to conduct an investigation; obtain an agency investigation and report on information disclosed to OSC's whistleblower disclosure channel; or to give notice of the status or outcome of an investigation;
8. to disclose information as needed to obtain information about hiring or retention of an employee; issuance of a security clearance; conduct of a security or suitability investigation; award of a contract; or issuance of a license, grant, or other benefit;
9. to the Office of Management and Budget (OMB) for certain legislative coordination and clearance purposes;

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10. to provide information from an individual's record to a congressional office acting pursuant to the individual's request;
11. to furnish information to the National Archives and Records Administration for records management purposes;
12. to produce summary statistics and work force or other studies;
13. to provide information to the Department of Justice as needed for certain litigation purposes;
14. to provide information to courts or adjudicative bodies as needed for certain litigation purposes;
15. to disclose information to the MSPB as needed in special studies authorized by law;
16. for coordination with an agency's Office of Inspector General or comparable entity, to facilitate the coordination and conduct of investigations and review of allegations;
17. to news media or the public in certain circumstances (except when the Special Counsel determines that disclosure in a particular case would be an unwarranted invasion of personal privacy); and
18. to the Department of Labor and others as needed to implement the Uniformed Services Employment and Reemployment Rights Act of 1994, and the Veterans' Employment Opportunities Act of 1998.

If OSC officials believe that disclosure may be appropriate in a situation not covered by one of OSC's routine uses, or one of the 11 other exceptions to the Privacy Act's general prohibition on disclosure, OSC will seek written authorization from the complainant permitting the disclosure.

Purposes, Burdens, and Other Information. An agency may not conduct or sponsor a collection of information, and persons may not be required to respond to a collection of information, unless it: (a) has been approved by OMB; and (b) displays a currently valid OMB control number. The information in this form is collected pursuant to OSC's legal responsibility to investigate: (a) allegations of prohibited political activity (5 U.S.C. § 1216). The information will be reviewed by OSC to determine whether the facts establish its jurisdiction over the subject of the complaint, and whether further investigation and disciplinary action is warranted. The reporting burden for this collection of information is estimated to be an average of 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the form. Please send any comments about this burden estimate, and suggestions for reducing the burden, to the Office of Special Counsel, Legal Counsel and Policy Division, 1730 M Street, N.W. (Suite 218), Washington, DC 20036-4605.



**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)**

**INFORMATION ABOUT FILING A COMPLAINT WITH OSC**

This complaint form can be used to file complaints alleging violations of the Hatch Act by federal, District of Columbia, state and local and nonprofit organization employees. While it is not required that this complaint form be used, use of this form will be helpful to OSC in expediting the processing and in investigating of complaints. Please complete the information requested below as fully and accurately as possible.

**SEND COMPLETED COMPLAINT FORMS TO:**

**By Mail:**

Hatch Act Unit  
Office of Special Counsel  
1730 M Street, N.W. (Suite 218)  
Washington, DC 20036-4505

**By Fax:**

(202) 254-3700

**Electronically:** [WWW.OSC.GOV](http://WWW.OSC.GOV) (AT "FILE COMPLAINTS ONLINE")

**PLEASE KEEP A COPY OF YOUR COMPLAINT, ANY SUPPORTING DOCUMENTATION, AND ANY ADDITIONAL ALLEGATIONS SENT IN WRITING TO OSC NOW, OR AT ANY TIME WHILE YOUR COMPLAINT IS PENDING.**  
REPRODUCTION CHARGES UNDER THE FREEDOM OF INFORMATION ACT MAY APPLY TO ANY REQUEST YOU MAKE FOR COPIES OF MATERIALS THAT YOU PROVIDED TO OSC.

**INFORMATION ABOUT THE HATCH ACT**

The Hatch Act prohibits federal, District of Columbia, some state and local and nonprofit organization employees from engaging in certain types of political activities. See 5 U.S.C. §§ 7321- 7326 and 5 U.S.C. §§ 1501-1508.

**Federal Employees are generally prohibited from:**

1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election.
2. Soliciting, accepting, or receiving political contributions (with some exceptions).
3. Running for nomination or as candidates for partisan political office.
4. Soliciting or discouraging the participation in political activity of any person who has business before their employing agency.
5. Engaging in political activity while on duty, in any room or building occupied in the discharge of official duties, while wearing a uniform or official insignia, or while using a vehicle owned or leased by the United States government.

**State and Local Employees are prohibited from\*:**

1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
2. Coercing, attempting to coerce, commanding, or advising a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
3. Being a candidate for partisan political office.

\* Employees of some private, nonprofit organizations are subject to the same restrictions on political activity that apply to covered state and local employees.

**VISIT [WWW.OSC.GOV](http://WWW.OSC.GOV)  
FOR MORE INFORMATION ABOUT THE HATCH ACT**

U.S. OFFICE OF SPECIAL COUNSEL

(202) 254-3650 / (800) 854-2624

**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)**

(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate.  
(If more space is needed, use Continuation Sheet at page 4.)

**PART 1: COMPLAINANT'S INFORMATION**

1. Name of person filing complaint:

(b) (6), (b) (7)(C)

2. Agency name (if referring complaint):

3. Agency address (if referring complaint):

4. Home or mailing address (if filing complaint):

(b) (6), (b) (7)(C)

5. Contact information:

Telephone number(s):

(b) (6), (b) (7)(C)

(Home)

(Office) Ext. \_\_\_\_\_

Fax number:

E-mail

address:

(b) (6), (b) (7)(C)

6. How did you first become aware that you could file a complaint with OSC?

- ( ☒ ) OSC Web site      ( ) OSC speaker      ( ) OSC brochure      ( ) OSC poster  
( ) news story      ( ) agency personnel office      ( ) union      ( ) co-worker  
( ) other (please describe): \_\_\_\_\_

Date (approximate): 10-30-16

**PART 2: SUBJECT'S INFORMATION**

7. Name of person who violated the Hatch Act ("Subject"):

James Comey

8. Agency:

Federal Bureau of Investigation

9. Position/Title:

Director

10. Federal, District of Columbia (DC), State/Local or Nonprofit employee (check one):

- ( ☒ ) Federal employee  
( ☐ ) DC employee  
( ☐ ) State or Local employee  
( ☐ ) Nonprofit organization employee

11. Contact Information:

Telephone number(s):

(202) 324-3000

(Home)

(Office) Ext. \_\_\_\_\_

Fax number:

E-mail

address:

FBI Headquarters

935 Pennsylvania Ave

Washington, D.C. 20535-001



**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**

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12. Subject's Supervisor's Name: Loretta Lynch, Attorney General

13. Subject's Supervisor's Contact information:

U.S. Department  
of Justice

450 Pennsylvania Ave

Washington, DC 20535-001

Telephone number(s):

( ) (Home)  
(202) 514-2000 (Office) Ext.

Fax number:

( )

E-mail address:

14. Does Subject have knowledge of the Hatch Act? (check one):  
( ☒ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

15. If you answered Yes to question 14, please explain how Subject knows about the Hatch Act (e.g. agency training, agency's distribution of brochures, flyers, e-mails, etc.) As an attorney, former asst U.S. attorney, and Director of the nation's chief law enforcement agency, he knowledge of the act and its prohibitions

**PLEASE COMPLETE THE FOLLOWING ONLY IF THE SUBJECT IS A STATE OR LOCAL OR NONPROFIT ORGANIZATION EMPLOYEE. IF NOT, SKIP TO PART 3:**

16. Does Subject's employing agency receive federal funds? (check one):  
( ☒ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

17. If you answered Yes to question 16, please provide the following:

a) Nature and source of federal funds The FBI is a Federal agency; its budget funding comes from a line item in the Federal Budget

b) Name of Individual (s) at agency responsible for federal funds: Richard L. Haley II, Asst Director, Finance Division

c) Contact information for individual (s) responsible for federal funds:

Telephone Number (s): (202) 324-3000

Fax Number:

( )

E-mail address:

18. Does the Subject perform duties in connection with federal funds? (check one)  
( ☒ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

19. If you answered yes to question 18, please provide the type of duties Subject performs in connection with Federal funds:

He directs the Federally Funded agency



PART 3: DETAILS OF COMPLAINT

20. What are the actions that you are reporting to OSC? Please attach all supporting documentation to the complaint form. **IF YOU ARE ALLEGING CANDIDACY IN A PARTISAN ELECTION, PLEASE PROVIDE THE DATE OF THE ELECTION AND/OR THE DATE NOMINATING PETITIONS ARE DUE. IF YOU ARE ALLEGING POLITICAL ACTIVITY WHILE ON DUTY OR IN A FEDERAL BUILDING FOR FEDERAL EMPLOYEES, PLEASE PROVIDE THE TIME AND/OR PLACE THE ACTIVITY OCCURRED.**

Mr. Comey sent a letter to Congressional committee chairs and ranking members announcing his intention to review emails discovered in an unrelated that may have a bearing on a previous investigation of Secretary Clinton's use of a private email server. The letter was sent on Oct 28, 2016 and made public shortly after.

The letter, which was issued without knowledge of whether the material is pertinent and about an investigation in progress violates Justice Dept. protocols. The letter issued just 12 days before the presidential election is clearly calculated to affect the outcome of the election. There is prima facie evidence that Mr. Comey's motive was to influence the election. He is a Republican and he has been hounded by Republican law makers. Regardless of his motive, Mr. Comey's action is a violation of the Hatch Act because it ~~has~~ has the clear effect of influencing the election.

The fact that he did so through an action that was not required - and indeed violated DOJ and FBI policy and practice makes his action a clear violation of the Hatch. There is a clear and compelling case for removing him from office immediately.





U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

October 28, 2016

Honorable Richard M. Burr  
Chairman  
Select Committee on Intelligence

Honorable Devin Nunes  
Chairman  
Permanent Select Committee on Intelligence

Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary

Honorable Robert Goodlatte  
Chairman  
Committee on the Judiciary

Honorable Richard Shelby  
Chairman  
Committee on Appropriations  
Subcommittee on Commerce, Justice, Science  
and Related Agencies

Honorable John C. Tuberson  
Chairman  
Committee on Appropriations  
Subcommittee on Commerce, Justice,  
Science and Related Agencies

Honorable Ron Johnson  
Chairman  
Committee on Homeland Security and  
Governmental Affairs

Honorable Jason Chaffetz  
Chairman  
Committee on Oversight and  
Government Reform

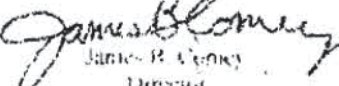
Dear Messrs. Chairmen:

In previous congressional testimony, I referred to the fact that the Federal Bureau of Investigation (FBI) had completed its investigation of former Secretary Clinton's personal email server. Due to recent developments, I am writing to supplement my previous testimony.

In connection with an unrelated case, the FBI has learned of the existence of emails that appear to be pertinent to the investigation. I am writing to inform you that the investigative team briefed me on this yesterday, and I agreed that the FBI should take appropriate investigative steps designed to allow investigators to review these emails to determine whether they contain classified information, as well as to assess their importance to our investigation.

Although the FBI cannot yet assess whether or not this material may be significant, and I cannot predict how long it will take us to complete this additional work, I believe it is important to update your Committees about our efforts in light of my previous testimony.

Sincerely yours,

  
James R. Comey  
Director

**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**

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**PART 4: CONSENT TO CERTAIN DISCLOSURES OF INFORMATION**

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*(Please sign one)*

**Consent Statement 1**

I consent to OSC's communication with the pertinent individuals involved in my complaint. I agree to allow OSC to disclose my identity as the complainant, and information from or about me, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 1

Date Signed

**Consent Statement 2**

I consent to OSC's communication with the pertinent individuals involved in my complaint, but I do not agree to allow OSC to disclose my identity as the complainant. I agree to allow OSC to disclose only information from or about me, without disclosing my name or other identifying information, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that in some circumstances OSC could not maintain my anonymity while communicating with the pertinent individuals. In such cases, I understand that this request for confidentiality might prevent OSC from taking further action on my complaint. I also understand that if I choose, OSC may disclose information from my complaint file when circumstances summarized in Part 5, below).

(b) (6), (b) (7)(C)

Complainant's Signature for Consent Statement 2

Date Signed

10-30-16

**Consent Statement 3**

I do not consent to OSC's communication with the pertinent individuals involved in my complaint. I understand that if OSC decides that it cannot investigate the allegation(s) in my complaint without communicating with these individuals, my lack of consent will probably prevent OSC from taking further action on the complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 3

Date Signed



**PART 5: CERTIFICATION AND SIGNATURE**

I certify that all of the statements made in this complaint (including any continuation pages) are true, complete, and correct to the best of my knowledge and belief. I understand that a false statement or omission is a criminal offense punishable by a fine of up to \$250,000, imprisonment for up to 5 years, or both.

(b) (6), (b) (7)(C)

Signature

10-30-16  
Date Signed

**PART 6: PRIVACY ACT / PAPERWORK REDUCTION ACT STATEMENTS**

**Routine Uses.** Limited disclosure of information from OSC files is needed to fulfill OSC's investigative, prosecutorial, and related responsibilities. OSC has described 18 routine uses for information in its files in the *Federal Register* (F.R.), at 66 F.R. 36611 (July 12, 2001), and 66 F.R. 51095 (October 5, 2001). A copy of the routine uses is available from OSC upon request. A summary of the routine uses appears below.

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2. to disclose information to the Office of Personnel Management (OPM) as needed for inquiries involving civil service laws, rules or regulations, or to obtain an advisory opinion;
3. to disclose information about allegations or complaints of discrimination to entities concerned with enforcement of antidiscrimination laws;
4. to the MSPB or the President, when seeking disciplinary action;
5. to the involved agency, MSPB, OPM, or the President when OSC has reason to believe that a prohibited personnel practice has occurred, exists, or is to be taken;
6. to disclose information to Congress in OSC's annual report;
7. to disclose information to third parties as needed to conduct an investigation; obtain an agency investigation and report on information disclosed to OSC's whistleblower disclosure channel; or to give notice of the status or outcome of an investigation;
8. to disclose information as needed to obtain information about hiring or retention of an employee; issuance of a security clearance; conduct of a security or suitability investigation; award of a contract; or issuance of a license, grant, or other benefit;
9. to the Office of Management and Budget (OMB) for certain legislative coordination and clearance purposes;



U.S. OFFICE OF SPECIAL COUNSEL  
Form OSC-13 (2/28/14)

(202) 254-3860 / (800) 864-2824  
OMB Control No. 3255-0002

**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)**

**INFORMATION ABOUT FILING A COMPLAINT WITH OSC**

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**SEND COMPLETED COMPLAINT FORMS TO OSC -**

**By Mail:**

Hatch Act Unit  
Office of Special Counsel  
1730 M Street, N.W. (Suite 218)  
Washington, DC 20036-4505

**By Fax:**

(202)254-3700

**Electronically:**

WWW.OSC.GOV (AT "FILE COMPLAINTS ONLINE")

**PLEASE KEEP A COPY OF YOUR COMPLAINT, ANY SUPPORTING DOCUMENTATION, AND ANY  
ADDITIONAL ALLEGATIONS SENT IN WRITING TO OSC NOW OR AT ANY TIME WHILE YOUR  
COMPLAINT IS PENDING. REPRODUCTION CHARGES UNDER THE FREEDOM OF INFORMATION  
ACT MAY APPLY TO ANY REQUEST YOU MAKE FOR COPIES OF MATERIALS THAT YOU  
PROVIDED TO OSC.**

**INFORMATION ABOUT THE HATCH ACT**

The Hatch Act prohibits federal, District of Columbia, some state and local and nonprofit organization employees from engaging in certain types of political activities. See 5 U.S.C. §§ 7321- 7326 and 5 U.S.C. §§ 1501-1508.

**Federal Employees are generally prohibited from:**

1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election.
2. Soliciting, accepting, or receiving political contributions (with some exceptions).
3. Running for nomination or as candidates for partisan political office.
4. Soliciting or discouraging the participation in political activity of any person who has business before their employing agency.
5. Engaging in political activity while on duty, in any room or building occupied in the discharge of official duties, while wearing a uniform or official insignia, or while using a vehicle owned or leased by the United States government.

**State and Local Employees are prohibited from:**

1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
2. Coercing, attempting to coerce, commanding, or advising a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
3. Being a candidate for partisan political office.



\* Employees of some private, nonprofit organizations are subject to the same restrictions on political activity that apply to covered state and local employees.

VISIT [WWW.OSC.GOV](http://WWW.OSC.GOV)  
FOR MORE INFORMATION ABOUT THE HATCH ACT

# COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 2 of 7

U.S. OFFICE OF SPECIAL COUNSEL

(202) 254-3650 / (800) 854-2824

## COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (VIOLATION OF THE HATCH ACT)

(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate. (If more space is needed, use Continuation Sheet at page 4.)

### PART 1: COMPLAINANT'S INFORMATION

1. Name of person filing complaint: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

2. Agency name (if referring complaint):

3. Agency Address (if referring complaint):

4. Home or mailing address (if filing complaint): (b) (6), (b) (7)(C)

5. Contact information: Telephone number(s): (b) (6), (b) (7)(C) (Home)

(Office) Ext.

Fax number:

E-mail address:

(b) (6), (b) (7)(C)

6. How did you first become aware that you could file a complaint with OSC?

(☒) OSC Web site

(☐) OSC speaker

(☐) OSC brochure

(☐) OSC poster

(☐) news story

(☐) agency personnel office

(☐) union

(☐) co-worker

(☐) other (please describe):

Date (approximate):

### PART 2: SUBJECT'S INFORMATION

7. Name of person who violated the Hatch Act ("Subject"):

James Brian Comey

8. Agency: Federal Bureau of Investigation

9. Position/Title: Director

10. Federal, District of Columbia (DC), State/Local or Nonprofit employee (check one):

(☒) Federal employee

(☐) DC employee.

(☐) State or Local employee

(☐) Nonprofit organization employee

11. Contact information: Telephone number(s):

( )

( )

(Home)

(202)

924-3000

(Office) Ext.

Fax number:

E-mail address:



**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**

Page 3 of 7

**12. Subject's Supervisor's Name:**

Loretta Lynch, Attorney General

**13. Subject's Supervisor's Contact Information:**

Telephone number(s):

( )  
(202)( )  
514-2000

(Home)

(Office) Ext.

Fax number:

( )

E-mail address:

( )

**14. Does Subject have knowledge of the Hatch Act? (check one):**☒ Yes☐ No☐ Not sure**15. If you answered Yes to question 14, please explain how Subject knows about the Hatch Act (e.g. agency training, agency's distribution of brochures, flyers, e-mails, etc.):**

As director of the FBI, a graduate of the University of Chicago Law School, and former Assistant U.S. Attorney, Mr. Comey knows about and understands the Hatch Act.

**PLEASE COMPLETE THE FOLLOWING ONLY IF THE SUBJECT IS A STATE OR LOCAL OR NONPROFIT ORGANIZATION EMPLOYEE. IF NOT, SKIP TO PART 3:****16. Does Subject's employing agency receive federal funds? (check one):**☒ Yes☐ No☐ Not sure**17. If you answered Yes to question 16, please provide the following:****a) Nature and source of federal funds:**

The FBI is a federal agency, fully funded by the federal government.

**b) Name of individual (s) at agency responsible for federal funds:**

Richard L. Haley II, Assistant Director, Finance Division

**c) Contact information for individual (s) responsible for federal funds:**

Telephone number(s):

( )  
(202)( )  
324-3000

(Home)

(Office) Ext.



Fax number:

E-mail address:

18. Does the Subject perform duties in connection with federal funds? (check one):

☒ Yes☐ No☐ Not sure

19. If you answered yes to question 18, please provide the type of duties Subject performs in connection with Federal funds:

James Comey directs the Federal Bureau of Investigation.

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)  
Page 4 of 7

## PART 3: DETAILS OF COMPLAINT

20. What are the actions that you are reporting to OSC? Please attach all supporting documentation to the complaint form. **IF YOU ARE ALLEGING CANDIDACY IN A PARTISAN ELECTION, PLEASE PROVIDE THE DATE OF THE ELECTION AND/OR THE DATE NOMINATING PETITIONS ARE DUE. IF YOU ARE ALLEGING POLITICAL ACTIVITY WHILE ON DUTY OR IN A FEDERAL BUILDING FOR FEDERAL EMPLOYEES, PLEASE PROVIDE THE TIME AND/OR PLACE THE ACTIVITY OCCURRED.**

On October 28, 2016, James Comey sent a letter to Congress to inform members of his intention to investigate newly discovered emails--discovered "in connection with an unrelated case"--to "determine whether they contain classified information" pertinent, presumably, to the earlier extensive investigation of "Secretary Clinton's personal email server." In this letter, Comey acknowledges that he "cannot yet assess whether or not this material may be significant" to this closed case.

Comey released this letter just 12 days before the presidential election in which Hillary Clinton is the leading candidate. Comey's letter reopens an old and settled issue regarding the email server Clinton used as Secretary of State and raises suspicions among the electorate about the possibility that she was involved in some sort of wrongdoing. Because Comey, a Republican, has used his position as FBI director to raise suspicions about a presidential candidate from the other party, he has interfered with the upcoming election. This is a clear violation of the Hatch Act.

That Comey is a Republican and has been pressured by Republican members of Congress to do this only enhances his culpability as a violator of the Hatch Act.

That Comey has publicized internal FBI activity that the FBI has--for good reason--kept private also further enhances his culpability under the Hatch Act.

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)  
Page 5 of 7



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

October 28, 2016

Honorable Richard M. Durbin  
Chairman  
Select Committee on Intelligence

Honorable Devin Nunes  
Chairman  
Permanent Select Committee on Intelligence

Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary

Honorable Robert Goodlatte  
Chairman  
Committee on the Judiciary

Honorable Richard Shelby  
Chairman  
Committee on Appropriations  
Subcommittee on Commerce, Justice, Science  
and Related Agencies

Honorable John Culbertson  
Chairman  
Committee on Appropriations  
Subcommittee on Commerce, Justice,  
Science and Related Agencies

Honorable Ron Johnson  
Chairman  
Committee on Homeland Security and  
Governmental Affairs

Honorable Jason Chaffetz  
Chairman  
Committee on Oversight and  
Government Reform

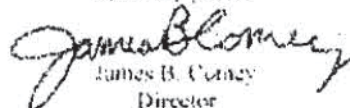
Dear Messrs. Chairmen:

In previous congressional testimony, I referred to the fact that the Federal Bureau of Investigation (FBI) had completed its investigation of former Secretary Clinton's personal email server. Due to recent developments, I am writing to supplement my previous testimony.

In connection with an unrelated case, the FBI has learned of the existence of emails that appear to be pertinent to the investigation. I am writing to inform you that the investigative team briefed me on this yesterday, and I agreed that the FBI should take appropriate investigative steps designed to allow investigators to review these emails to determine whether they contain classified information, as well as to assess their importance to our investigation.

Although the FBI cannot yet assess whether or not this material may be significant, and I cannot predict how long it will take us to complete this additional work, I believe it is important to update your Committees about our efforts in light of my previous testimony.

Sincerely yours,

  
James B. Comey  
Director



**PART 4: CONSENT TO CERTAIN DISCLOSURES OF INFORMATION**

OSC asks everyone who files a complaint alleging a possible prohibited personnel practice or other prohibited activity to select one of three Consent Statements shown below. IF YOU DO NOT SELECT ONE OF THE THREE CONSENT STATEMENTS BELOW, OSC WILL ASSUME THAT YOU HAVE SELECTED CONSENT STATEMENT 1. Please: (a) select and sign (or check, if filing electronically) one of the Consent Statements below; and (b) keep a copy of the Consent Statement you select (as well as a copy of all documents that you send to OSC) for your own records.

If you initially select a Consent Statement that restricts OSC's use of information, you may later select a less restrictive Consent Statement. If your selection of Consent Statement 2 or 3 prevents OSC from being able to conduct an investigation, an OSC representative will contact you, explain the circumstances, and provide you with an opportunity to select a less restrictive Consent Statement.

You should be aware that the Privacy Act allows information in OSC case files to be used or disclosed for certain purposes, regardless of which Consent Statement you sign. See 5 U.S.C. § 552a(b). Information about certain circumstances under which OSC can use or disclose information under the Privacy Act appears on the next page.

(Please sign one)

**Consent Statement 1**

I *consent* to OSC's communication with the pertinent individuals involved in my complaint. I *agree* to allow OSC to disclose my identity as the complainant, and information from or about me, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 6, below).

Complainant's Signature for Consent Statement 1

Date Signed

**Consent Statement 2**

I *consent* to OSC's communication with the pertinent individuals involved in my complaint, but I *do not agree* to allow OSC to disclose my identity as the complainant. I agree to allow OSC to disclose only information from or about me, without disclosing my name or other identifying information, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that in some circumstances OSC could not maintain my anonymity while communicating with the pertinent individuals. In such cases, I understand that this request for confidentiality might prevent OSC from taking further action on my complaint. I also understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 6, below).

(b) (6), (b) (7)(C)

10-30-16  
Date Signed

**Consent Statement 3**

I *do not consent* to OSC's communication with the pertinent individuals involved in my complaint. I understand that if OSC decides that it cannot investigate the allegation(s) in my complaint without communicating with this individuals, my lack of consent will probably prevent OSC from taking further action on the complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 6, below).

Complainant's Signature for Consent Statement 3

Date Signed

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)  
Page 6 of 7

**PART 5: CERTIFICATION AND SIGNATURE**



I certify that all of the statements made in this complaint (including any continuation pages) are true, complete, and correct to the best of my knowledge and belief. I understand that a false statement or concealment of a material fact is a criminal offense punishable by a fine of up to \$250,000, imprisonment for up to five years, or both. 18 U.S.C. § 1001.

Signature

Date Signed

# **PART 6: PRIVACY ACT / PAPERWORK REDUCTION ACT STATEMENTS**

**Routine Uses.** Limited disclosure of information from OSC files is needed to fulfill OSC's investigative, prosecutorial, and related responsibilities. OSC has described 18 routine uses for information in its files in the *Federal Register* (F.R.), at 66 F.R. 36811 (July 12, 2001), and 66 F.R. 51095 (October 6, 2001). A copy of the routine uses is available from OSC upon request. A summary of the routine uses appears below.

OSC may disclose information from its files in the following circumstances:

1. to disclose that an allegation of prohibited personnel practices or other prohibited activity has been filed;
2. to disclose information to the Office of Personnel Management (OPM) as needed for inquiries involving civil service laws, rules or regulations, or to obtain an advisory opinion;
3. to disclose information about allegations or complaints of discrimination to entities concerned with enforcement of antidiscrimination laws;
4. to the MSPB or the President, when seeking disciplinary action;
5. to the involved agency, MSPB, OPM, or the President when OSC has reason to believe that a prohibited personnel practice has occurred, exists, or is to be taken;
6. to disclose information to Congress in OSC's annual report;
7. to disclose information to third parties (without identifying the complainant unless OSC has the complainant's consent) as needed to conduct an investigation; obtain an agency investigation and report on information disclosed to OSC's whistleblower disclosure channel; or to give notice of the status or outcome of an investigation;
8. to disclose information as needed to obtain information about hiring or retention of an employee; issuance of a security clearance; conduct of a security or suitability investigation; award of a contract; or issuance of a license, grant, or other benefit;
9. to the Office of Management and Budget (OMB) for certain legislative coordination and clearance purposes;

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)  
Page 7 of 7

10. to provide information from an individual's record to a congressional office acting pursuant to the individual's request;
11. to furnish information to the National Archives and Records Administration for records management purposes;
12. to produce summary statistics and work force or other studies;
13. to provide information to the Department of Justice as needed for certain litigation purposes;
14. to provide information to courts or adjudicative bodies as needed for certain litigation purposes;
15. to disclose information to the MSPB as needed in special studies authorized by law;
16. for coordination with an agency's Office of Inspector General or comparable entity, to facilitate the coordination and conduct of investigations and review of allegations;
17. to news media or the public in certain circumstances (except when the Special Counsel determines that disclosure in a particular case would be an unwarranted invasion of personal privacy); and
18. to the Department of Labor and others as needed to implement the Uniformed Services Employment and Reemployment Rights Act of 1994, and the Veterans' Employment Opportunities Act of 1998.



If OSC officials believe that disclosure may be appropriate in a situation not covered by one of OSC's routine uses, or one of the 11 other exceptions to the Privacy Act's general prohibition on disclosure, OSC will seek written authorization from the complainant permitting the disclosure.

Purposes, Burdens, and Other Information. An agency may not conduct or sponsor a collection of information, and persons may not be required to respond to a collection of information, unless it: (a) has been approved by OMB; and (b) displays a currently valid OMB control number. The information in this form is collected pursuant to OSC's legal responsibility to investigate: (a) allegations of prohibited political activity (5 U.S.C. § 1216). The information will be reviewed by OSC to determine whether the facts establish its jurisdiction over the subject of the complaint, and whether further investigation and disciplinary action is warranted. The reporting burden for this collection of information is estimated to be an average of 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the form. Please send any comments about this burden estimate, and suggestions for reducing the burden, to the Office of Special Counsel, Legal Counsel and Policy Division, 1730 M Street, N.W. (Suite 218), Washington, DC 20036-4505.

**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)**

**INFORMATION ABOUT FILING A COMPLAINT WITH OSC**

This complaint form can be used to file complaints alleging violations of the Hatch Act by federal, District of Columbia, state and local and nonprofit organization employees. While it is not required that this complaint form be used, use of this form will be helpful to OSC in expediting the processing and in investigating of complaints. Please complete the information requested below as fully and accurately as possible.

**SEND COMPLETED COMPLAINT FORMS TO:**

**By Mail:**

Hatch Act Unit  
Office of Special Counsel  
1730 M Street, N.W. (Suite 218)  
Washington, DC 20036-4505

**By Fax:**

(202) 254-3700

**Electronically: [WWW.OSC.GOV](http://WWW.OSC.GOV) (AT "FILE COMPLAINTS ONLINE")**

**PLEASE KEEP A COPY OF YOUR COMPLAINT, ANY SUPPORTING DOCUMENTATION, AND ANY ADDITIONAL ALLEGATIONS SENT IN WRITING TO OSC NOW, OR AT ANY TIME WHILE YOUR COMPLAINT IS PENDING.**  
REPRODUCTION CHARGES UNDER THE FREEDOM OF INFORMATION ACT MAY APPLY TO ANY REQUEST YOU MAKE FOR COPIES OF MATERIALS THAT YOU PROVIDED TO OSC.

**INFORMATION ABOUT THE HATCH ACT**

The Hatch Act prohibits federal, District of Columbia, some state and local and nonprofit organization employees from engaging in certain types of political activities. See 5 U.S.C. §§ 7321- 7326 and 5 U.S.C. §§ 1501-1508.

**Federal Employees are generally prohibited from:**

1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election.
2. Soliciting, accepting, or receiving political contributions (with some exceptions).
3. Running for nomination or as candidates for partisan political office.
4. Soliciting or discouraging the participation in political activity of any person who has business before their employing agency.
5. Engaging in political activity while on duty, in any room or building occupied in the discharge of official duties, while wearing a uniform or official insignia, or while using a vehicle owned or leased by the United States government.

**State and Local Employees are prohibited from\*:**

1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
2. Coercing, attempting to coerce, commanding, or advising a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
3. Being a candidate for partisan political office.

\* Employees of some private, nonprofit organizations are subject to the same restrictions on political activity that apply to covered state and local employees.

VISIT [WWW.OSC.GOV](http://WWW.OSC.GOV)  
FOR MORE INFORMATION ABOUT THE HATCH ACT



## COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

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U.S. OFFICE OF SPECIAL COUNSEL

(202) 254-3650 / (800) 854-2824

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate.  
(If more space is needed, use Continuation Sheet at page 4.)

## PART 1: COMPLAINANT'S INFORMATION

1. Name of person filing complaint: (b) (6), (b) (7)(C)
- (b) (6), (b) (7)(C)
2. Agency name (if referring complaint):
3. Agency address (if referring complaint):
4. Home or mailing address (if filing complaint): (b) (6), (b) (7)(C)
- (b) (6), (b) (7)(C)
5. Contact information: Telephone number(s): (b) (6), (b) (7)(C) (Home)  
( ) (Office) Ext.   
Fax number: (b) (6), (b) (7)(C)  
E-mail address: (b) (6), (b) (7)(C)
6. How did you first become aware that you could file a complaint with OSC?
- ( ) OSC Web site ( ) OSC speaker ( ) OSC brochure ( ) OSC poster  
( ) news story ( ) agency personnel office ( ) union ( ) co-worker  
(V) other (please describe): Judicial Watch  
Date (approximate): 10/31/16

## PART 2: SUBJECT'S INFORMATION

7. Name of person who violated the Hatch Act ("Subject"): Loretta Lynch/James Comey
8. Agency: Attorney General & FBI (by Bill Clinton)
9. Position/Title: Attorney General & FBI Director
10. Federal, District of Columbia (DC), State/Local or Nonprofit employee (check one):  
(X) Federal employee  
( ) DC employee  
( ) State or Local employee  
( ) Nonprofit organization employee
11. Contact information: Telephone number(s): ( ) (Home)  
(202) 514-2000 (Office) Ext.   
Fax number: ( )  
E-mail address: www.justice.gov/contact-us

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

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12. Subject's Supervisor's Name: Self (Attorney General) & Self (FBI Director)
13. Subject's Supervisor's Contact information:
- Telephone number(s): ( ) (Home) (202) 514-2000 (Office) Ext. \_\_\_\_\_
- Fax number: ( ) \_\_\_\_\_
- E-mail address: Not listed
14. Does Subject have knowledge of the Hatch Act? (check one): ( ) Yes ( ) No (X) Not sure
15. If you answered Yes to question 14, please explain how Subject knows about the Hatch Act (e.g. agency training, agency's distribution of brochures, flyers, e-mails, etc.) \_\_\_\_\_

**PLEASE COMPLETE THE FOLLOWING ONLY IF THE SUBJECT IS A STATE OR LOCAL OR NONPROFIT ORGANIZATION EMPLOYEE. IF NOT, SKIP TO PART 3: N/A**

16. Does Subject's employing agency receive federal funds? (check one): ( ) Yes ( ) No ( ) Not sure
17. If you answered Yes to question 16, please provide the following:
- a) Nature and source of federal funds \_\_\_\_\_
- b) Name of individual (s) at agency responsible for federal funds: \_\_\_\_\_
- c) Contact information for individual (s) responsible for federal funds:
- Telephone Number (s): ( ) \_\_\_\_\_
- Fax Number: ( ) \_\_\_\_\_
- E-mail address: \_\_\_\_\_
18. Does the Subject perform duties in connection with federal funds? (check one) ( ) Yes ( ) No ( ) Not sure
19. If you answered yes to question 18, please provide the type of duties Subject performs in connection with Federal funds: \_\_\_\_\_



## PART 3: DETAILS OF COMPLAINT

20. What are the actions that you are reporting to OSC? Please attach all supporting documentation to the complaint form. **IF YOU ARE ALLEGING CANDIDACY IN A PARTISAN ELECTION, PLEASE PROVIDE THE DATE OF THE ELECTION AND/OR THE DATE NOMINATING PETITIONS ARE DUE. IF YOU ARE ALLEGING POLITICAL ACTIVITY WHILE ON DUTY OR IN A FEDERAL BUILDING FOR FEDERAL EMPLOYEES, PLEASE PROVIDE THE TIME AND/OR PLACE THE ACTIVITY OCCURRED.**

Presidential Election: November 8, 2016  
Nomination (Registrars of voters): 12/21/15  
Nomination (Secretary of the Commonwealth): 1/4/16

I'm Not a Federal Employee

(See Enclosed Law Violations)

# Articles of Impeachment

Eight days after the June 27, 2016 meeting of Bill Clinton with Attorney General Loretta Lynch on board a parked private plane at Sky Harbor International Airport in Phoenix, Arizona, FBI Director James Comey announced that he would not recommend charges in the investigation of Secretary of State, Hillary Clinton's email server, and mere hours before the Benghazi report was released publicly involving both Mrs. Clinton and the Obama administration.

Title 5-GOVERNMENT ORGANIZATION AND EMPLOYEES  
PART I-THE AGENCIES GENERALLY  
CHAPTER 5-ADMINISTRATIVE PROCEDURE  
SUBCHAPTER II-ADMINISTRATIVE PROCEDURE  
§552a. Records maintained on individuals

Title 5-GOVERNMENT ORGANIZATION AND EMPLOYEES  
PART III-EMPLOYEES  
Subpart B-Employment and Retention  
CHAPTER 31-AUTHORITY FOR EMPLOYMENT  
SUBCHAPTER I-EMPLOYMENT AUTHORITIES  
§3110. Employment of relatives; restrictions

Title 18-CRIMES AND CRIMINAL PROCEDURE  
PART I-CRIMES  
CHAPTER 31-EMBEZZLEMENT AND THEFT  
§641. Public money, property or records

Title 18-CRIMES AND CRIMINAL PROCEDURE  
PART I-CRIMES  
CHAPTER 37-ESPIONAGE AND CENSORSHIP  
§793. Gathering, transmitting or losing defense information

Title 18-CRIMES AND CRIMINAL PROCEDURE  
PART I-CRIMES  
CHAPTER 37-ESPIONAGE AND CENSORSHIP  
§794. Gathering or delivering defense information to aid foreign government

Title 18-CRIMES AND CRIMINAL PROCEDURE  
PART I-CRIMES  
CHAPTER 37-ESPIONAGE AND CENSORSHIP  
§798. Disclosure of classified information

Title 18-CRIMES AND CRIMINAL PROCEDURE  
PART I-CRIMES  
CHAPTER 41-EXTORTION AND THREATS  
§872. Extortion by officers or employees of the United States



Title 18 - CRIMES AND CRIMINAL PROCEDURE  
PART I - CRIMES  
CHAPTER 45 - FOREIGN RELATIONS  
Sec. 955 - Financial transactions with foreign governments

Title 18 - CRIMES AND CRIMINAL PROCEDURE  
PART I - CRIMES  
CHAPTER 45 - FOREIGN RELATIONS  
Sec. 957 - Possession of property in aid of foreign government

Title 18-CRIMES AND CRIMINAL PROCEDURE  
PART I-CRIMES  
CHAPTER 47-FRAUD AND FALSE STATEMENTS  
§1030. Fraud and related activity in connection with computers

Title 18-CRIMES AND CRIMINAL PROCEDURE  
PART I-CRIMES  
CHAPTER 55-KIDNAPPING  
§1202. Ransom money

Title 18-CRIMES AND CRIMINAL PROCEDURE  
PART I-CRIMES  
CHAPTER 79-PERJURY  
§1623. False declarations before grand jury or court

Title 18-CRIMES AND CRIMINAL PROCEDURE  
PART I-CRIMES  
CHAPTER 93-PUBLIC OFFICERS AND EMPLOYEES  
§1910. Nepotism in appointment of receiver or trustee

Title 18-CRIMES AND CRIMINAL PROCEDURE  
PART I-CRIMES  
CHAPTER 93-PUBLIC OFFICERS AND EMPLOYEES  
§1924. Unauthorized removal and retention of classified documents or material

Title 18-CRIMES AND CRIMINAL PROCEDURE  
PART I-CRIMES  
CHAPTER 96-RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS  
§1962. Prohibited activities

Title 18-CRIMES AND CRIMINAL PROCEDURE  
PART I-CRIMES  
CHAPTER 101-RECORDS AND REPORTS  
§2071. Concealment, removal, or mutilation generally

Title 50-WAR AND NATIONAL DEFENSE

CHAPTER 44-NATIONAL SECURITY

SUBCHAPTER IV-PROTECTION OF CERTAIN NATIONAL SECURITY  
INFORMATION

§3121. Protection of identities of certain United States undercover intelligence officers,  
agents, informants, and sources

Title 50-WAR AND NATIONAL DEFENSE

CHAPTER 3-ALIEN ENEMIES

§21. Restraint, regulation, and removal

Title 50-WAR AND NATIONAL DEFENSE

CHAPTER 44-NATIONAL SECURITY

SUBCHAPTER IV-PROTECTION OF CERTAIN NATIONAL SECURITY  
INFORMATION

§3121. Protection of identities of certain United States undercover intelligence officers,  
agents, informants, and sources



COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 5 of 7

**PART 4: CONSENT TO CERTAIN DISCLOSURES OF INFORMATION**

OSC asks everyone who files a complaint alleging a possible prohibited political activity (violation of the Hatch Act) to select one of three Consent Statements shown below. **IF YOU DO NOT SELECT ONE OF THE THREE CONSENT STATEMENTS BELOW, OSC WILL ASSUME THAT YOU HAVE SELECTED CONSENT STATEMENT 1.** Please: (a) select and sign (or check, if filing electronically) one of the Consent Statements below, and (b) keep a copy of the Consent Statement you select (as well as a copy of all documents that you send to OSC) for your own records.

If you initially select a Consent Statement that restricts OSC's use of information, you may later select a less restrictive Consent Statement. If your selection of Consent Statement 2 or 3 prevents OSC from being able to conduct an investigation, an OSC representative will contact you, explain the circumstances, and provide you with an opportunity to select a less restrictive Consent Statement.

You should be aware that the Privacy Act allows information in OSC case files to be used or disclosed for certain purposes, regardless of which Consent Statement you sign. See 5 U.S.C. § 552a(b). Information about certain circumstances under which OSC can use or disclose information under the Privacy Act appears on the next page.

(Please sign one)

**Consent Statement 1**

I consent to OSC's communication with the pertinent individuals involved in my complaint. I agree to allow OSC to disclose my identity as the complainant, and information from or about me, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

(b) (6), (b) (7)(C)

Complainant's Signature for Consent Statement 1

10/31/16  
Date Signed

**Consent Statement 2**

I consent to OSC's communication with the pertinent individuals involved in my complaint, but I do not agree to allow OSC to disclose my identity as the complainant. I agree to allow OSC to disclose only information from or about me, without disclosing my name or other identifying information, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that in some circumstances OSC could not maintain my anonymity while communicating with the pertinent individuals. In such cases, I understand that this request for confidentiality might prevent OSC from taking further action on my complaint. I also understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 2

Date Signed

**Consent Statement 3**

I do not consent to OSC's communication with the pertinent individuals involved in my complaint. I understand that if OSC decides that it cannot investigate the allegation(s) in my complaint without communicating with these individuals, my lack of consent will probably prevent OSC from taking further action on the complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 3

Date Signed



COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 6 of 7

PART 5: CERTIFICATION AND SIGNATURE

I certify that all of the statements made in this complaint (including any continuation pages) are true, complete, and correct to the best of my knowledge and belief. I understand that a false statement or concealment of a material fact is a criminal offense punishable by a fine of up to \$250,000, imprisonment for up to five years, or both. 18 U.S.C. § 1001

(b) (6), (b) (7)(C)

10/31/16  
Date Signed

PART 6: PRIVACY ACT / PAPERWORK REDUCTION ACT STATEMENTS

Routine Uses. Limited disclosure of information from OSC files is needed to fulfill OSC's investigative, prosecutorial, and related responsibilities. OSC has described 18 routine uses for information in its files in the *Federal Register* (F.R.), at 66 F.R. 36611 (July 12, 2001), and 66 F.R. 51095 (October 5, 2001). A copy of the routine uses is available from OSC upon request. A summary of the routine uses appears below.

OSC may disclose information from its files in the following circumstances:

1. to disclose that an allegation of prohibited personnel practices or other prohibited activity has been filed;
2. to disclose information to the Office of Personnel Management (OPM) as needed for inquiries involving civil service laws, rules or regulations, or to obtain an advisory opinion;
3. to disclose information about allegations or complaints of discrimination to entities concerned with enforcement of antidiscrimination laws;
4. to the MSPB or the President, when seeking disciplinary action;
5. to the involved agency, MSPB, OPM, or the President when OSC has reason to believe that a prohibited personnel practice has occurred, exists, or is to be taken;
6. to disclose information to Congress in OSC's annual report;
7. to disclose information to third parties as needed to conduct an investigation; obtain an agency investigation and report on information disclosed to OSC's whistleblower disclosure channel; or to give notice of the status or outcome of an investigation;
8. to disclose information as needed to obtain information about hiring or retention of an employee; issuance of a security clearance; conduct of a security or suitability investigation; award of a contract; or issuance of a license, grant, or other benefit;
9. to the Office of Management and Budget (OMB) for certain legislative coordination and clearance purposes;



**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**

Page 7 of 7

10. to provide information from an individual's record to a congressional office acting pursuant to the individual's request;
11. to furnish information to the National Archives and Records Administration for records management purposes;
12. to produce summary statistics and work force or other studies;
13. to provide information to the Department of Justice as needed for certain litigation purposes;
14. to provide information to courts or adjudicative bodies as needed for certain litigation purposes;
15. to disclose information to the MSPB as needed in special studies authorized by law;
16. for coordination with an agency's Office of Inspector General or comparable entity, to facilitate the coordination and conduct of investigations and review of allegations;
17. to news media or the public in certain circumstances (except when the Special Counsel determines that disclosure in a particular case would be an unwarranted invasion of personal privacy); and
18. to the Department of Labor and others as needed to implement the Uniformed Services Employment and Reemployment Rights Act of 1994, and the Veterans' Employment Opportunities Act of 1998.

If OSC officials believe that disclosure may be appropriate in a situation not covered by one of OSC's routine uses, or one of the 11 other exceptions to the Privacy Act's general prohibition on disclosure, OSC will seek written authorization from the complainant permitting the disclosure.

Purposes, Burdens, and Other Information. An agency may not conduct or sponsor a collection of information, and persons may not be required to respond to a collection of information, unless it: (a) has been approved by OMB; and (b) displays a currently valid OMB control number. The information in this form is collected pursuant to OSC's legal responsibility to investigate: (a) allegations of prohibited political activity (5 U.S.C. § 1216). The information will be reviewed by OSC to determine whether the facts establish its jurisdiction over the subject of the complaint, and whether further investigation and disciplinary action is warranted. The reporting burden for this collection of information is estimated to be an average of 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the form. Please send any comments about this burden estimate, and suggestions for reducing the burden, to the Office of Special Counsel, Legal Counsel and Policy Division, 1730 M Street, N.W. (Suite 218), Washington, DC 20036-4505.

**FAX COVER SHEET**

TO	Hatch Act Unit
COMPANY	OSC
FAXNUMBER	12022543700
FROM	(b) (6), (b) (7)(C)
DATE	2016-11-01 23:45:38 GMT
RE	Revised Hatch Act Complaint to correct a date on page 4 of 7

**COVER MESSAGE**

Please see attached revised complaint.



NB REVISED ON PAGE 4 OF 7

U.S. OFFICE OF SPECIAL COUNSEL  
Form OSC-13 (2/28/14)(202) 254-3650 / (800) 854-2824  
OMB Control No. 3255-0002**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)****INFORMATION ABOUT FILING A COMPLAINT WITH OSC**

This complaint form can be used to file complaints alleging violations of the Hatch Act by federal, District of Columbia, state and local and nonprofit organization employees. While it is not required that this complaint form be used, use of this form will be helpful to OSC in expediting the processing and investigating of complaints. Please complete the information requested below as fully and accurately as possible.

**SEND COMPLETED COMPLAINT FORMS TO:**

**By Mail:** Hatch Act Unit  
Office of Special Counsel  
1730 M Street, N.W. (Suite 218)  
Washington, DC 20036-4505

**By Fax:** (202) 254-3700

**Electronically:** [WWW.OSC.GOV](http://WWW.OSC.GOV) (AT "FILE COMPLAINTS ONLINE")

**PLEASE KEEP A COPY OF YOUR COMPLAINT, ANY SUPPORTING DOCUMENTATION, AND ANY ADDITIONAL ALLEGATIONS SENT IN WRITING TO OSC NOW, OR AT ANY TIME WHILE YOUR COMPLAINT IS PENDING. REPRODUCTION CHARGES UNDER THE FREEDOM OF INFORMATION ACT MAY APPLY TO ANY REQUEST YOU MAKE FOR COPIES OF MATERIALS THAT YOU PROVIDED TO OSC.**

**INFORMATION ABOUT THE HATCH ACT**

The Hatch Act prohibits federal, District of Columbia, some state and local and nonprofit organization employees from engaging in certain types of political activities. See 5 U.S.C. §§ 7321- 7326 and 5 U.S.C. §§ 1501-1508.

**Federal Employees are generally prohibited from:**

1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election.
2. Soliciting, accepting, or receiving political contributions (with some exceptions).
3. Running for nomination or as candidates for partisan political office.
4. Soliciting or discouraging the participation in political activity of any person who has business before their employing agency.
5. Engaging in political activity while on duty, in any room or building occupied in the discharge of official duties, while wearing a uniform or official insignia, or while using a vehicle owned or leased by the United States government.

**State and Local Employees are prohibited from\*:**

1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
2. Coercing, attempting to coerce, commanding, or advising a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
3. Being a candidate for partisan political office.

\* Employees of some private, nonprofit organizations are subject to the same restrictions on political activity that apply to covered state and local employees.

**VISIT [WWW.OSC.GOV](http://WWW.OSC.GOV)  
FOR MORE INFORMATION ABOUT THE HATCH ACT**

## COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 2 of 7

U.S. OFFICE OF SPECIAL COUNSEL

(202) 254-3650 / (800) 854-2824

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)

(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate.  
(If more space is needed, use Continuation Sheet at page 4.)

## PART 1: COMPLAINANT'S INFORMATION

1. Name of person filing complaint: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)
2. Agency name (if referring complaint):
3. Agency address (if referring complaint):
4. Home or mailing address (if filing complaint): (b) (6), (b) (7)(C)
5. Contact information: Telephone number(s) (b) (6), (b) (7)(C) (Home) \_\_\_\_\_  
(Office) Ext. \_\_\_\_\_  
Fax number: \_\_\_\_\_  
E-mail address: \_\_\_\_\_
6. How did you first become aware that you could file a complaint with OSC?
- ( ) OSC Web site ( ) OSC speaker ( ) OSC brochure ( ) OSC poster  
( ) news story ( ) agency personnel office ( ) union ( ) co-worker  
( ) other (please describe): \_\_\_\_\_  
Date (approximate): ~1995

## PART 2: SUBJECT'S INFORMATION

7. Name of person who violated the Hatch Act ("Subject"): Director Comey and operators of @FBIRecordsVault
8. Agency: Federal Bureau of Investigation
9. Position/Title: Director and supervised personnel
10. Federal, District of Columbia (DC), State/Local or Nonprofit employee (check one):  
( ) Federal employee  
( ☒ ) DC employee  
( ) State or Local employee  
( ) Nonprofit organization employee
11. Contact information: Telephone number(s): ( ) \_\_\_\_\_ (Home) \_\_\_\_\_  
( 202 ) 324-3000 (Office) Ext. \_\_\_\_\_  
Fax number: ( ) \_\_\_\_\_  
E-mail address: \_\_\_\_\_



**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**

Page 3 of 7

12. Subject's Supervisor's Name: James Comey, FBI Director

13. Subject's Supervisor's Contact information:

Telephone number(s): ( ) \_\_\_\_\_ (Home)  
( ) \_\_\_\_\_ (Office) Ext. \_\_\_\_\_

Fax number: ( ) \_\_\_\_\_

E-mail address: \_\_\_\_\_

14. Does Subject have knowledge of the Hatch Act? (check one): ( ☒ ) Yes  
( ☐ ) No  
( ☐ ) Not sure15. If you answered Yes to question 14, please explain how Subject knows about the Hatch Act (e.g. agency training, agency's distribution of brochures, flyers, e-mails, etc.) Director Comey is a former DOJ attorney and current director of the FBI. The supervised personnel are all FBI employees to the best of my knowledge.**PLEASE COMPLETE THE FOLLOWING ONLY IF THE SUBJECT IS A STATE OR LOCAL OR NONPROFIT ORGANIZATION EMPLOYEE. IF NOT, SKIP TO PART 3:**16. Does Subject's employing agency receive federal funds? (check one): ( ☐ ) Yes  
( ☐ ) No  
( ☒ ) Not sure17. If you answered Yes to question 16, please provide the following:a) Nature and source of federal funds \_\_\_\_\_  
\_\_\_\_\_b) Name of individual (s) at agency responsible for federal funds: \_\_\_\_\_  
\_\_\_\_\_

c) Contact information for individual (s) responsible for federal funds:

Telephone Number (s): ( ) \_\_\_\_\_

Fax Number: ( ) \_\_\_\_\_

E-mail address: \_\_\_\_\_

18. Does the Subject perform duties in connection with federal funds? (check one) ( ☐ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

19. If you answered yes to question 18, please provide the type of duties Subject performs in connection with Federal funds:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 4 of 7

## PART 3: DETAILS OF COMPLAINT

20. What are the actions that you are reporting to OSC? Please attach all supporting documentation to the complaint form. **IF YOU ARE ALLEGING CANDIDACY IN A PARTISAN ELECTION, PLEASE PROVIDE THE DATE OF THE ELECTION AND/OR THE DATE NOMINATING PETITIONS ARE DUE. IF YOU ARE ALLEGING POLITICAL ACTIVITY WHILE ON DUTY OR IN A FEDERAL BUILDING FOR FEDERAL EMPLOYEES, PLEASE PROVIDE THE TIME AND/OR PLACE THE ACTIVITY OCCURRED.**

November 8, 2016 Election.

On September 1, 2016, I submitted a Freedom of Information Act ("FOIA") request to the FBI seeking the file of Fred Trump, Donald Trump's deceased father. I received an email confirmation from FOIPAQUESTIONS@ic.fbi.ov on September 2, 2016. I then received a letter via USPS postmarked September 9, 2016 confirming the receipt my FOIA request. Then on or about October 18, 2016, I received another letter from the FBI advising me that my FOIA response had been put on line at the FBI Vault site. I downloaded it and dated it contemporaneously as received on October 18, 2016. I am (b) (6), (b) (7)(C) and it is my custom and regular practice to date mark all electronic files. My FOIA materials were marked 20161018 evidencing that I receive it on October 18.

Today, November 1, 2016 I watched a CNN story that reported that a FBI Twitter account @fbiRecordsVault posted materials related to Bill Clinton and the story reported that the site had been dormant until it posted a FOIA related to Fred Trump on October 29, 2016. I confirmed this was the same link that was provided to me in response to my FOIA request.

I hereby charge Director Comey and any and all FBI personnel who used my FOIA on October 29, 2016 as a predicate for then posting the Bill Clinton related material with violations of the Hatch Act. Director Comey has created an atmosphere of lawlessness at the FBI that overtly encouraged the Bureau personnel violating the Hatch Act and used my FOIA as an artifice to conceal their wrongful conduct.

NB: I have revised earlier complaint to correct the date that the FBI used my FOIA.

I believed that CNN said the post linking to my FOIA request results was dated October 30, but I have corrected it to October 29 that is how it appears on Twitter. /S/ (b) (6), (b) (7)(C)



## COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 5 of 7

**PART 4: CONSENT TO CERTAIN DISCLOSURES OF INFORMATION**

OSC asks everyone who files a complaint alleging a possible prohibited political activity (violation of the Hatch Act) to select one of three Consent Statements shown below. **IF YOU DO NOT SELECT ONE OF THE THREE CONSENT STATEMENTS BELOW, OSC WILL ASSUME THAT YOU HAVE SELECTED CONSENT STATEMENT 1.** Please: (a) select and sign (or check, if filing electronically) one of the Consent Statements below; and (b) keep a copy of the Consent Statement you select (as well as a copy of all documents that you send to OSC) for your own records.

If you initially select a Consent Statement that restricts OSC's use of information, you may later select a less restrictive Consent Statement. If your selection of Consent Statement 2 or 3 prevents OSC from being able to conduct an investigation, an OSC representative will contact you, explain the circumstances, and provide you with an opportunity to select a less restrictive Consent Statement.

You should be aware that the Privacy Act allows information in OSC case files to be used or disclosed for certain purposes, regardless of which Consent Statement you sign. See 5 U.S.C. § 552a(b). Information about certain circumstances under which OSC can use or disclose information under the Privacy Act appears on the next page.

(Please sign one)

**Consent Statement 1**

I consent to OSC's communication with the pertinent individuals involved in my complaint. I agree to allow OSC to disclose my identity as the complainant, and information from or about me, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that regardless of the information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

(b) (6), (b) (7)(C)

Nov 2, 2016  
Date Signed

**Consent Statement 2**

I consent to OSC's communication with the pertinent individuals involved in my complaint, but I do not agree to allow OSC to disclose my identity as the complainant. I agree to allow OSC to disclose only information from or about me, without disclosing my name or other identifying information, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that in some circumstances OSC could not maintain my anonymity while communicating with the pertinent individuals. In such cases, I understand that this request for confidentiality might prevent OSC from taking further action on my complaint. I also understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 2

Date Signed

**Consent Statement 3**

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Date Signed

## COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 6 of 7

## PART 5: CERTIFICATION AND SIGNATURE

I certify that all of the statements made in this complaint (including any continuation pages) are true, complete, and correct to the best of my knowledge and belief. I understand that a false statement or

(b) (6), (b) (7)(C)

punishable by a fine of up to \$250,000, imprisonment

Sig

Date Signed

## PART 6: PRIVACY ACT / PAPERWORK REDUCTION ACT STATEMENTS

Routine Uses. Limited disclosure of information from OSC files is needed to fulfill OSC's investigative, prosecutorial, and related responsibilities. OSC has described 18 routine uses for information in its files in the *Federal Register* (F.R.), at 66 F.R. 36611 (July 12, 2001), and 66 F.R. 51095 (October 5, 2001). A copy of the routine uses is available from OSC upon request. A summary of the routine uses appears below.

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6. to disclose information to Congress in OSC's annual report;
7. to disclose information to third parties as needed to conduct an investigation; obtain an agency investigation and report on information disclosed to OSC's whistleblower disclosure channel; or to give notice of the status or outcome of an investigation;
8. to disclose information as needed to obtain information about hiring or retention of an employee; issuance of a security clearance; conduct of a security or suitability investigation; award of a contract; or issuance of a license, grant, or other benefit;
9. to the Office of Management and Budget (OMB) for certain legislative coordination and clearance purposes;



**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**Page 7 of 7

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10. to provide information from an individual's record to a congressional office acting pursuant to the individual's request;
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12. to produce summary statistics and work force or other studies;
13. to provide information to the Department of Justice as needed for certain litigation purposes;
14. to provide information to courts or adjudicative bodies as needed for certain litigation purposes;
15. to disclose information to the MSPB as needed in special studies authorized by law;
16. for coordination with an agency's Office of Inspector General or comparable entity, to facilitate the coordination and conduct of investigations and review of allegations;
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(b) (6), (b) (7)(C)

Tel: (b) (6), (b) (7)(C)  
Fax: (b) (6), (b) (7)(C)

VIA FAX ONLY (202) 254-3700

November 14, 2016

Hatch Act Unit  
Office of Special Counsel  
1730 M Street- N.W. (Suite 218)  
Washington DC 20036-4505

Re: Political Activity of James Comey

Dear Sir/Madam:

Enclosed please find complaint in the above matter. It may interest you to know that I am independent and am not affiliated with any political party.

A copy of this complaint has been forwarded to my two New York senators and New York Congressman by fax as well.

Sincerely,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

RNL:tp

Enc.

Cc: Charles Schumer (202) 228-3027 – by fax only  
Kirsten Gillibrand (202) 228-0282 – by fax only  
Sean Patrick Maloney (202) 225-3289 – by fax only

Rich Hatch



U.S. OFFICE OF SPECIAL COUNSEL  
Form OSC-13 (2/28/14)(202) 254-3650 / (800) 854-2624  
OMB Control No. 3255-0002**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)****INFORMATION ABOUT FILING A COMPLAINT WITH OSC**

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**SEND COMPLETED COMPLAINT FORMS TO OSC -****By Mail:**

Hatch Act Unit  
Office of Special Counsel  
1730 M Street, N.W. (Suite 218)  
Washington, DC 20036-4505

**By Fax:**

(202)254-3700

**Electronically:**

WWW.OSC.GOV (AT "FILE COMPLAINTS ONLINE")

**PLEASE KEEP A COPY OF YOUR COMPLAINT, ANY SUPPORTING DOCUMENTATION, AND ANY ADDITIONAL ALLEGATIONS SENT IN WRITING TO OSC NOW, OR AT ANY TIME WHILE YOUR COMPLAINT IS PENDING. REPRODUCTION CHARGES UNDER THE FREEDOM OF INFORMATION ACT MAY APPLY TO ANY REQUEST YOU MAKE FOR COPIES OF MATERIALS THAT YOU PROVIDED TO OSC.**

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1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election.
2. Soliciting, accepting, or receiving political contributions (with some exceptions).
3. Running for nomination or as candidates for partisan political office.
4. Soliciting or discouraging the participation in political activity of any person who has business before their employing agency.
5. Engaging in political activity while on duty, in any room or building occupied in the discharge of official duties, while wearing a uniform or official insignia, or while using a vehicle owned or leased by the United States government.

**State and Local Employees are prohibited from\*:**

1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
2. Coercing, attempting to coerce, commanding, or advising a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
3. Being a candidate for partisan political office.

\* Employees of some private, nonprofit organizations are subject to the same restrictions on political activity that apply to covered state and local employees.

**VISIT WWW.OSC.GOV  
FOR MORE INFORMATION ABOUT THE HATCH ACT**

Form OSC-13: Complaint of Possible Prohibited Political Activity...

<https://osc.gov/Resources/osc13.htm>

## COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 2 of 7

U.S. OFFICE OF SPECIAL COUNSEL

(202) 254-3653 / (800) 854-2324

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)

(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate. (If more space is needed, use Continuation Sheet at page 4.)

## PART 1: COMPLAINANT'S INFORMATION

1. Name of person filing complaint: (b) (6), (b) (7)(C)
2. Agency name: (b) (6), (b) (7)(C)
3. Agency Address (if referring complaint):
4. Home or mailing address (if filing complaint): (b) (6), (b) (7)(C)
5. Contact information: Telephone number(s): (b) (6), (b) (7)(C) (Home) (b) (6), (b) (7)(C) (Office) Ext. \_\_\_\_\_  
Fax number: \_\_\_\_\_  
E-mail address: (b) (6), (b) (7)(C)
6. How did you first become aware that you could file a complaint with OSC?
- |   |  |                                       |                                     |
|---|--|---------------------------------------|-------------------------------------|
| <input type="checkbox"/> OSC Web site             | <input type="checkbox"/> OSC speaker             | <input type="checkbox"/> OSC brochure | <input type="checkbox"/> OSC poster |
| <input checked="" type="checkbox"/> news story    | <input type="checkbox"/> agency personnel office | <input type="checkbox"/> union        | <input type="checkbox"/> co-worker  |
| <input type="checkbox"/> other (please describe): |  |                                       |                                     |

Date (approximate):

11-7-16

## PART 2: SUBJECT'S INFORMATION

7. Name of person who violated the Hatch Act ("Subject"): JAMES COMEY
8. Agency: FBI
9. Position/Title: DIRECTOR
10. Federal, District of Columbia (DC), State/Local or Nonprofit employee (check one):
- ☒ Federal employee
- ☐ DC employee.
- ☐ State or Local employee
- ☐ Nonprofit organization employee.

11. Contact information: Telephone number(s): ( ) ( ) (Home) (202) 324-3000 (Office) Ext. \_\_\_\_\_  
Fax number: ( ) ( )  
E-mail address: \_\_\_\_\_

## COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 3 of 7

12. Subject's Supervisor's Name:

DOJ ? Attorney General Lynch

13. Subject's Supervisor's Contact Information:

- Telephone number(s): ( ) ( ) (Home) (202) 514-2000 (Office) Ext. \_\_\_\_\_  
Fax number: ( ) ( )  
E-mail address: \_\_\_\_\_



## Form OSC-13: Complaint of Possible Prohibited Political Activity ...

<https://osc.gov/Resources/osc13.htm>

14. Does Subject have knowledge of the Hatch Act? (check one):

- ☒ Yes  
☐ No  
☐ Not sure

15. If you answered Yes to question 14, please explain how Subject knows about the Hatch Act (e.g. agency training, agency's distribution of brochures, flyers, e-mails, etc.):

Director Comey is a Federal Employee

**PLEASE COMPLETE THE FOLLOWING ONLY IF THE SUBJECT IS A STATE OR LOCAL OR NONPROFIT ORGANIZATION EMPLOYEE. IF NOT, SKIP TO PART 3:**

16. Does Subject's employing agency receive federal funds? (check one):

- ☒ Yes  
☐ No  
☐ Not sure

17. If you answered Yes to question 16, please provide the following:

a) Nature and source of federal funds

TAXES

b) Name of individual (s) at agency responsible for federal funds:

c) Contact information for individual (s) responsible for federal funds:

Telephone number(s): ( ) DOJ (Home)  
( ) (Office) Ext.  
Fax number: ( )  
E-mail address:

18. Does the Subject perform duties in connection with federal funds? (check one):

- ☒ Yes  
☐ No  
☐ Not sure

19. If you answered yes to question 18, please provide the type of duties Subject performs in connection with Federal funds:

Investigates + meddles in<sup>us</sup> political  
election

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)  
Page 4 of 7

PART 3: DETAILS OF COMPLAINT

20. What are the actions that you are reporting to OSC? Please attach all supporting documentation to the complaint form. IF YOU ARE ALLEGING CANDIDACY IN A PARTISAN ELECTION, PLEASE PROVIDE THE DATE OF THE ELECTION AND/OR THE DATE NOMINATING PETITIONS ARE DUE. IF YOU ARE ALLEGING POLITICAL ACTIVITY WHILE ON DUTY OR IN A FEDERAL BUILDING FOR FEDERAL EMPLOYEES, PLEASE PROVIDE THE TIME AND/OR PLACE THE ACTIVITY OCCURRED.

Director Comey sent unsolicited letters to Congress on 10-28-16 + 11-7-16 at the end of a highly controversial campaign regarding Candidate Hillary Clinton's emails. Now I hear an FBI investigation is taking place regarding President-elect Trump's Russian Connection but no letter was issued prior to election day regarding that travesty. Comey's actions

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)  
Page 5 of 7

were unsolicited, partisan, unprofessional and affected the outcome of the election

PART 4: CONSENT TO CERTAIN DISCLOSURES OF INFORMATION

OSC asks everyone who files a complaint alleging a possible prohibited personnel practice or other prohibited activity to select one of three Consent Statements shown below. IF YOU DO NOT SELECT ONE OF THE THREE CONSENT STATEMENTS BELOW, OSC WILL ASSUME THAT YOU HAVE SELECTED CONSENT STATEMENT 1. Please: (a) select and sign (or check, if filing electronically) one of the Consent Statements below; and (b) keep a copy of the Consent Statement you select (as well as a copy of all documents that you send to OSC) for your own records.

If you initially select a Consent Statement that restricts OSC's use of information, you may later select a less restrictive Consent Statement. If your selection of Consent Statement 2 or 3 prevents OSC from being able to conduct an investigation, an OSC representative will contact you, explain the circumstances, and provide you with an opportunity to select a less restrictive Consent Statement.

You should be aware that the Privacy Act allows information in OSC case files to be used or disclosed for certain purposes, regardless of



which Consent Statement you sign. See 5 U.S.C. § 552a(b). Information about certain circumstances under which OSC can use or disclose information under the Privacy Act appears on the next page.

(Please sign one)

#### Consent Statement 1

I consent to OSC's communication with the pertinent individuals involved in my complaint. I agree to allow OSC to disclose my identity as the complainant, and information from or about me, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (b) (6), (b) (7)(C) as summarized in Part 6, below.

Complainant's Signature

11-14-16  
Date Signed

#### Consent Statement 2

I consent to OSC's communication with the pertinent individuals involved in my complaint, but I do not agree to allow OSC to disclose my identity as the complainant. I agree to allow OSC to disclose only information from or about me, without disclosing my name or other identifying information, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that in some circumstances OSC could not maintain my anonymity while communicating with the pertinent individuals. In such cases, I understand that this request for confidentiality might prevent OSC from taking further action on my complaint. I also understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 6, below).

Complainant's Signature for Consent Statement 2

Date Signed

#### Consent Statement 3

I do not consent to OSC's communication with the pertinent individuals involved in my complaint. I understand that if OSC decides that it cannot investigate the allegation(s) in my complaint without communicating with this individuals, my lack of consent will probably prevent OSC from taking further action on the complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 6, below).

Complainant's Signature for Consent Statement 3

Date Signed

#### COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 6 of 7

#### PART 5: CERTIFICATION AND SIGNATURE

I certify that all of the statements made in this complaint (including any continuation pages) are true, complete, and correct to the best of my knowledge and belief. I understand that a false statement or concealment of a material fact is a criminal offense punishable by a fine of up to \$250,000 (b) (6), (b) (7)(C) five years, or both. 18 U.S.C. § 1001.

Signature

11-14-16  
Date Signed

#### PART 6: PRIVACY ACT / PAPERWORK REDUCTION ACT STATEMENTS

**Routine Uses.** Limited disclosure of information from OSC files is needed to fulfill OSC's investigative, prosecutorial, and related responsibilities. OSC has described 18 routine uses for information in its files in the *Federal Register* (F.R.), at 66 F.R. 36611 (July 12, 2001), and 66 F.R. 51095 (October 5, 2001). A copy of the routine uses is available from OSC upon request. A summary of the routine uses appears below.

OSC may disclose information from its files in the following circumstances:

1. to disclose that an allegation of prohibited personnel practices or other prohibited activity has been filed;
2. to disclose information to the Office of Personnel Management (OPM) as needed for inquiries involving civil service laws, rules or regulations, or to obtain an advisory opinion;

## Form OSC-13: Complaint of Possible Prohibited Political Activity...

<https://osc.gov/Resources/osc13.htm>

3. to disclose information about allegations or complaints of discrimination to entities concerned with enforcement of antidiscrimination laws;
4. to the MSPB or the President, when seeking disciplinary action;
5. to the involved agency, MSPB, OPM, or the President when OSC has reason to believe that a prohibited personnel practice has occurred, exists, or is to be taken;
6. to disclose information to Congress in OSC's annual report;
7. to disclose information to third parties (without identifying the complainant unless OSC has the complainant's consent) as needed to conduct an investigation; obtain an agency investigation and report on information disclosed to OSC's whistleblower disclosure channel; or to give notice of the status or outcome of an investigation;
8. to disclose information as needed to obtain information about hiring or retention of an employee; issuance of a security clearance; conduct of a security or suitability investigation; award of a contract; or issuance of a license, grant, or other benefit;
9. to the Office of Management and Budget (OMB) for certain legislative coordination and clearance purposes;

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**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**  
Page 7 of 7

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10. to provide information from an individual's record to a congressional office acting pursuant to the individual's request;
11. to furnish information to the National Archives and Records Administration for records management purposes;
12. to produce summary statistics and work force or other studies;
13. to provide information to the Department of Justice as needed for certain litigation purposes;
14. to provide information to courts or adjudicative bodies as needed for certain litigation purposes;
15. to disclose information to the MSPB as needed in special studies authorized by law;
16. for coordination with an agency's Office of Inspector General or comparable entity, to facilitate the coordination and conduct of investigations and review of allegations;
17. to news media or the public in certain circumstances (except when the Special Counsel determines that disclosure in a particular case would be an unwarranted invasion of personal privacy); and
18. to the Department of Labor and others as needed to implement the Uniformed Services Employment and Reemployment Rights Act of 1994, and the Veterans' Employment Opportunities Act of 1998.

If OSC officials believe that disclosure may be appropriate in a situation not covered by one of OSC's routine uses, or one of the 11 other exceptions to the Privacy Act's general prohibition on disclosure, OSC will seek written authorization from the complainant permitting the disclosure.

**Purposes, Burdens, and Other Information:** An agency may not conduct or sponsor a collection of information, and persons may not be required to respond to a collection of information, unless it: (a) has been approved by OMB; and (b) displays a currently valid OMB control number. The information in this form is collected pursuant to OSC's legal responsibility to investigate: (a) allegations of prohibited political activity (5 U.S.C. § 1216). The information will be reviewed by OSC to determine whether the facts establish its jurisdiction over the subject of the complaint, and whether further investigation and disciplinary action is warranted. The reporting burden for this collection of information is estimated to be an average of 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the form. Please send any comments about this burden estimate, and suggestions for reducing the burden, to the Office of Special Counsel, Legal Counsel and Policy Division, 1730 M Street, N.W. (Suite 218), Washington, DC 20036-4505.



COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)

INFORMATION ABOUT FILING A COMPLAINT WITH OSC

This complaint form can be used to file complaints alleging violations of the Hatch Act by federal, District of Columbia, state and local and nonprofit organization employees. While it is not required that this complaint form be used, use of this form will be helpful to OSC in expediting the processing and investigating of complaints. Please complete the information requested below as fully and accurately as possible.

SEND COMPLETED COMPLAINT FORMS TO:

By Mail: Hatch Act Unit  
Office of Special Counsel  
1730 M Street, N.W. (Suite 218)  
Washington, DC 20036-4505

By Fax: (202) 254-3700

Electronically: [WWW.OSC.GOV](http://WWW.OSC.GOV) (AT "FILE COMPLAINTS ONLINE")

**PLEASE KEEP A COPY OF YOUR COMPLAINT, ANY SUPPORTING DOCUMENTATION, AND ANY ADDITIONAL ALLEGATIONS SENT IN WRITING TO OSC NOW, OR AT ANY TIME WHILE YOUR COMPLAINT IS PENDING**  
REPRODUCTION CHARGES UNDER THE FREEDOM OF INFORMATION ACT MAY APPLY TO ANY REQUEST YOU MAKE FOR COPIES OF MATERIALS THAT YOU PROVIDED TO OSC.

INFORMATION ABOUT THE HATCH ACT

The Hatch Act prohibits federal, District of Columbia, some state and local and nonprofit organization employees from engaging in certain types of political activities. See 5 U.S.C. §§ 7321- 7326 and 5 U.S.C. §§ 1501-1508.

Federal Employees are generally prohibited from:

1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election.
2. Soliciting, accepting, or receiving political contributions (with some exceptions).
3. Running for nomination or as candidates for partisan political office.
4. Soliciting or discouraging the participation in political activity of any person who has business before their employing agency.
5. Engaging in political activity while on duty, in any room or building occupied in the discharge of official duties, while wearing a uniform or official insignia, or while using a vehicle owned or leased by the United States government.

State and Local Employees are prohibited from\*:

1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
2. Coercing, attempting to coerce, commanding, or advising a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
3. Being a candidate for partisan political office.

\* Employees of some private, nonprofit organizations are subject to the same restrictions on political activity that apply to covered state and local employees.

VISIT [WWW.OSC.GOV](http://WWW.OSC.GOV)  
FOR MORE INFORMATION ABOUT THE HATCH ACT

U.S. OFFICE OF SPECIAL COUNSEL

(202) 254-3650 / (800) 854-2824

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)

(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate.  
(If more space is needed, use Continuation Sheet at page 4.)

PART 1: COMPLAINANT'S INFORMATION

1. Name of person filing complaint: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)
2. Agency name (if referring complaint): N/A
3. Agency address (if referring complaint): N/A
4. Home or mailing address (if filing complaint): (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)
5. Contact information: Telephone number(s): (b) (6), (b) (7)(C) (Home)  
( ) N/A (Office) Ext. \_\_\_\_\_  
Fax number: ( ) N/A  
E-mail address: (b) (6), (b) (7)(C)
6. How did you first become aware that you could file a complaint with OSC?  
☒ OSC Web site    ( ) OSC speaker    ( ) OSC brochure    ( ) OSC poster  
( ) news story    ( ) agency personnel office    ( ) union    ( ) co-worker  
( ) other (please describe): \_\_\_\_\_  
Date (approximate): Nov. 11, 2016

PART 2: SUBJECT'S INFORMATION

7. Name of person who violated the Hatch Act ("Subject"): James Comey
8. Agency: Federal Bureau of Investigations
9. Position/Title: Director
10. Federal, District of Columbia (DC), State/Local or Nonprofit employee (check one):  
( ☒ ) Federal employee  
( ☐ ) DC employee  
( ☐ ) State or Local employee  
( ☐ ) Nonprofit organization employee
11. Contact information: Telephone number(s): ( ) N/A (Home)  
(202) 324-3000 (Office) Ext. \_\_\_\_\_  
Fax number: ( ) N/A  
E-mail address: N/A



12. Subject's Supervisor's Name: Loretta Lynch, Barack Obama

13. Subject's Supervisor's Contact information:

Telephone number(s): ( ) N/A (Home)  
( ) J (Office) Ext.  
Fax number: ( ) J  
E-mail address: \_\_\_\_\_

14. Does Subject have knowledge of the Hatch Act? (check one): ( ☐ ) Yes  
( ☐ ) No  
( ☒ ) Not sure

15. If you answered Yes to question 14, please explain how Subject knows about the Hatch Act (e.g. agency training, agency's distribution of brochures, flyers, e-mails, etc.) N/A

PLEASE COMPLETE THE FOLLOWING ONLY IF THE SUBJECT IS A STATE OR LOCAL OR NONPROFIT ORGANIZATION EMPLOYEE. IF NOT, SKIP TO PART 3:

16. Does Subject's employing agency receive federal funds? (check one): ( ☐ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

17. If you answered Yes to question 16, please provide the following:

- a) Nature and source of federal funds \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b) Name of individual (s) at agency responsible for federal funds: \_\_\_\_\_  
\_\_\_\_\_
- c) Contact information for individual (s) responsible for federal funds:  
Telephone Number (s): ( ) \_\_\_\_\_  
Fax Number: ( ) \_\_\_\_\_  
E-mail address: \_\_\_\_\_

18. Does the Subject perform duties in connection with federal funds? (check one) ( ☐ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

19. If you answered yes to question 18, please provide the type of duties Subject performs in connection with Federal funds:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PART 3: DETAILS OF COMPLAINT

20. What are the actions that you are reporting to OSC? Please attach all supporting documentation to the complaint form. **IF YOU ARE ALLEGING CANDIDACY IN A PARTISAN ELECTION, PLEASE PROVIDE THE DATE OF THE ELECTION AND/OR THE DATE NOMINATING PETITIONS ARE DUE. IF YOU ARE ALLEGING POLITICAL ACTIVITY WHILE ON DUTY OR IN A FEDERAL BUILDING FOR FEDERAL EMPLOYEES, PLEASE PROVIDE THE TIME AND/OR PLACE THE ACTIVITY OCCURRED.**

See Attachments



PART 4: CONSENT TO CERTAIN DISCLOSURES OF INFORMATION

OSC asks everyone who files a complaint alleging a possible prohibited political activity (violation of the Hatch Act) to select one of three Consent Statements shown below. **IF YOU DO NOT SELECT ONE OF THE THREE CONSENT STATEMENTS BELOW, OSC WILL ASSUME THAT YOU HAVE SELECTED CONSENT STATEMENT 1.** Please: (a) select and sign (or check, if filing electronically) one of the Consent Statements below; and (b) keep a copy of the Consent Statement you select (as well as a copy of all documents that you send to OSC) for your own records.

If you initially select a Consent Statement that restricts OSC's use of information, you may later select a less restrictive Consent Statement. If your selection of Consent Statement 2 or 3 prevents OSC from being able to conduct an investigation, an OSC representative will contact you, explain the circumstances, and provide you with an opportunity to select a less restrictive Consent Statement.

You should be aware that the Privacy Act allows information in OSC case files to be used or disclosed for certain purposes, regardless of which Consent Statement you sign. See 5 U.S.C. § 552a(b). Information about certain circumstances under which OSC can use or disclose information under the Privacy Act appears on the next page.

(Please sign one)

**Consent Statement 1**

I *consent* to OSC's communication with the pertinent individuals involved in my complaint. I *agree* to allow OSC to disclose my identity as the complainant, and information from or about me, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 1

(b) (6), (b) (7)(C)

Nov. 14, 2016  
Date Signed

**Consent Statement 2**

I *consent* to OSC's communication with the pertinent individuals involved in my complaint, but I *do not agree* to allow OSC to disclose my identity as the complainant. I agree to allow OSC to disclose only information from or about me, without disclosing my name or other identifying information, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that in some circumstances OSC could not maintain my anonymity while communicating with the pertinent individuals. In such cases, I understand that this request for confidentiality might prevent OSC from taking further action on my complaint. I also understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 2

Date Signed

**Consent Statement 3**

I *do not consent* to OSC's communication with the pertinent individuals involved in my complaint. I understand that if OSC decides that it cannot investigate the allegation(s) in my complaint without communicating with these individuals, my lack of consent will probably prevent OSC from taking further action on the complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 3

Date Signed

PART 5: CERTIFICATION AND SIGNATURE

*I certify that all of the statements made in this complaint (including any continuation pages) are true, complete, and correct to the best of my knowledge and belief. I understand that a false statement or concealment of a material fact is a criminal offense punishable by a fine of up to \$250,000, imprisonment for up to five years, or both. 18 U.S.C. § 1001.*

Signature

(b) (6), (b) (7)(C)

Date Signed

Nov 14, 2016

PART 6: PRIVACY ACT / PAPERWORK REDUCTION ACT STATEMENTS

Routine Uses. Limited disclosure of information from OSC files is needed to fulfill OSC's investigative, prosecutorial, and related responsibilities. OSC has described 18 routine uses for information in its files in the *Federal Register* (F.R.), at 66 F.R. 36611 (July 12, 2001), and 66 F.R. 51095 (October 5, 2001). A copy of the routine uses is available from OSC upon request. A summary of the routine uses appears below.

OSC may disclose information from its files in the following circumstances:

1. to disclose that an allegation of prohibited personnel practices or other prohibited activity has been filed;
2. to disclose information to the Office of Personnel Management (OPM) as needed for inquiries involving civil service laws, rules or regulations, or to obtain an advisory opinion;
3. to disclose information about allegations or complaints of discrimination to entities concerned with enforcement of antidiscrimination laws;
4. to the MSPB or the President, when seeking disciplinary action;
5. to the involved agency, MSPB, OPM, or the President when OSC has reason to believe that a prohibited personnel practice has occurred, exists, or is to be taken;
6. to disclose information to Congress in OSC's annual report;
7. to disclose information to third parties as needed to conduct an investigation; obtain an agency investigation and report on information disclosed to OSC's whistleblower disclosure channel; or to give notice of the status or outcome of an investigation;
8. to disclose information as needed to obtain information about hiring or retention of an employee; issuance of a security clearance; conduct of a security or suitability investigation; award of a contract; or issuance of a license, grant, or other benefit;
9. to the Office of Management and Budget (OMB) for certain legislative coordination and clearance purposes;



10. to provide information from an individual's record to a congressional office acting pursuant to the individual's request;
11. to furnish information to the National Archives and Records Administration for records management purposes;
12. to produce summary statistics and work force or other studies;
13. to provide information to the Department of Justice as needed for certain litigation purposes;
14. to provide information to courts or adjudicative bodies as needed for certain litigation purposes;
15. to disclose information to the MSPB as needed in special studies authorized by law;
16. for coordination with an agency's Office of Inspector General or comparable entity, to facilitate the coordination and conduct of investigations and review of allegations;
17. to news media or the public in certain circumstances (except when the Special Counsel determines that disclosure in a particular case would be an unwarranted invasion of personal privacy); and
18. to the Department of Labor and others as needed to implement the Uniformed Services Employment and Reemployment Rights Act of 1994, and the Veterans' Employment Opportunities Act of 1998.

If OSC officials believe that disclosure may be appropriate in a situation not covered by one of OSC's routine uses, or one of the 11 other exceptions to the Privacy Act's general prohibition on disclosure, OSC will seek written authorization from the complainant permitting the disclosure.

Purposes, Burdens, and Other Information. An agency may not conduct or sponsor a collection of information, and persons may not be required to respond to a collection of information, unless it: (a) has been approved by OMB; and (b) displays a currently valid OMB control number. The information in this form is collected pursuant to OSC's legal responsibility to investigate: (a) allegations of prohibited political activity (5 U.S.C. § 1216). The information will be reviewed by OSC to determine whether the facts establish its jurisdiction over the subject of the complaint, and whether further investigation and disciplinary action is warranted. The reporting burden for this collection of information is estimated to be an average of 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the form. Please send any comments about this burden estimate, and suggestions for reducing the burden, to the Office of Special Counsel, Legal Counsel and Policy Division, 1730 M Street, N.W. (Suite 218), Washington, DC 20036-4505.

James Comey, the Director of the Federal Bureau of Investigations (FBI), committed a blatant violation of the Hatch act, in full view of the people of the United States and the world.

He was surely aware that the FBI investigation of the use of a private e-mail server by Hillary Clinton, a candidate for the Presidency of the United States, was used by her opponent, Donald Trump, as a campaign issue.

On October 28, 2016, after the issue was seemingly put to rest, Mr. Comey, in his role as the Director of the FBI, sent to various members of congress a letter stating that his staff had learned of the existence of emails that appeared to be pertinent to the investigation, and that they would be assessed as to their importance to the investigation. (Att. II)

This information in this letter was used in a campaign speech by Donald Trump that same day. In his speech Mr. Trump said that "the FBI would never have reopened the case at this time unless it was a most egregious criminal offence".

This letter to Congress was sent after early voting had started in many states, and when many voters had their ballots in their hands and could vote immediately while influenced by the mistaken impression that Hillary Clinton had just been discovered having done something terribly wrong.

Mr. Comey then, on November 6, 2013, sent a letter to some members of congress which stated that the further review had "not changed our [the FBI's] conclusions that we expressed in July with respect to Secretary Clinton." (Att III)

This was just two days before election day, after many people had all ready voted, and too late for many people to become informed of this before they voted.

This was a close election and Mr. Comey's inappropriate and illegal actions may well have actually changed the result.

James Comey's behavior is a disgrace, and he should be removed from Federal employment and debarred from further Federal employment for the maximum period allowed.





U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

October 28, 2016

Honorable Richard M. Burr  
Chairman  
Select Committee on Intelligence

Honorable Devin Nunes  
Chairman  
Permanent Select Committee on Intelligence

Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary

Honorable Robert Goodlatte  
Chairman  
Committee on the Judiciary

Honorable Richard Shelby  
Chairman  
Committee on Appropriations  
Subcommittee on Commerce, Justice, Science  
and Related Agencies

Honorable John Culberson  
Chairman  
Committee on Appropriations  
Subcommittee on Commerce, Justice,  
Science and Related Agencies

Honorable Ron Johnson  
Chairman  
Committee on Homeland Security and  
Governmental Affairs

Honorable Jason Chaffetz  
Chairman  
Committee on Oversight and  
Government Reform

Dear Messrs Chairmen:

In previous congressional testimony, I referred to the fact that the Federal Bureau of Investigation (FBI) had completed its investigation of former Secretary Clinton's personal email server. Due to recent developments, I am writing to supplement my previous testimony.

In connection with an unrelated case, the FBI has learned of the existence of emails that appear to be pertinent to the investigation. I am writing to inform you that the investigative team briefed me on this yesterday, and I agreed that the FBI should take appropriate investigative steps designed to allow investigators to review these emails to determine whether they contain classified information, as well as to assess their importance to our investigation.

Although the FBI cannot yet assess whether or not this material may be significant, and I cannot predict how long it will take us to complete this additional work, I believe it is important to update your Committees about our efforts in light of my previous testimony.

Sincerely yours,

  
James B. Comey  
Director

AT II p145

- 1 – Honorable Dianne Feinstein  
Vice Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, DC 20510
- 1 – Honorable Patrick J. Leahy  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510
- 1 – Honorable Barbara Mikulski  
Ranking Member  
Committee on Appropriations  
Subcommittee on Commerce, Justice, Science  
and Related Agencies  
United States Senate  
Washington, DC 20510
- 1 – Honorable Thomas R. Carper  
Ranking Member  
Committee on Homeland Security and  
Governmental Affairs  
United States Senate  
Washington, DC 20510
- 1 – Honorable Adam B. Schiff  
Ranking Member  
Permanent Select Committee on Intelligence  
U.S. House of Representatives  
Washington, DC 20515
- 1 – Honorable John Conyers, Jr.  
Ranking Member  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515
- 1 – Honorable Michael Honda  
Ranking Member  
Committee on Appropriations  
Subcommittee on Commerce, Justice, Science  
and Related Agencies  
U.S. House of Representatives  
Washington, DC 20515



1 - Honorable Elijah E. Cummings  
Ranking Member  
Committee on Oversight and  
Government Reform  
U.S. House of Representatives  
Washington, DC 20515



Federal Bureau of Investigation

Washington, D.C. 20535

November 6, 2016

Honorable Richard M. Burr  
Chairman  
Select Committee on Intelligence

Honorable Devin Nunes  
Chairman  
Permanent Select Committee on Intelligence

Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary

Honorable Robert Goodlatte  
Chairman  
Committee on the Judiciary

Honorable Richard Shelby  
Chairman  
Committee on Appropriations  
Subcommittee on Commerce, Justice,  
Science and Related Agencies

Honorable John Culberson  
Chairman  
Committee on Appropriations  
Subcommittee on Commerce, Justice,  
Science and Related Agencies

Honorable Ron Johnson  
Chairman  
Committee on Homeland Security and  
Governmental Affairs

Honorable Jason Chaffetz  
Chairman  
Committee on Oversight and  
Government Reform

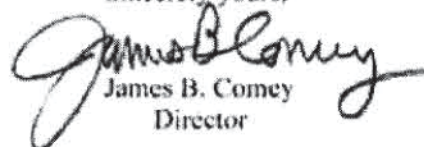
Dear Messrs. Chairmen:

I write to supplement my October 28, 2016 letter that notified you the FBI would be taking additional investigative steps with respect to former Secretary of State Clinton's use of a personal email server. Since my letter, the FBI investigative team has been working around the clock to process and review a large volume of emails from a device obtained in connection with an unrelated criminal investigation. During that process, we reviewed all of the communications that were to or from Hillary Clinton while she was Secretary of State.

Based on our review, we have not changed our conclusions that we expressed in July with respect to Secretary Clinton.

I am very grateful to the professionals at the FBI for doing an extraordinary amount of high-quality work in a short period of time.

Sincerely yours,

  
James B. Comey  
Director

cc: See next page

ATT. III p1 of 2



1 -- Honorable Dianne Feinstein  
Vice Chairman  
Select Committee on Intelligence

1 -- Honorable Patrick J. Leahy  
Ranking Member  
Committee on the Judiciary

1 -- Honorable Barbara Mikulski  
Ranking Member  
Committee on Appropriations  
Subcommittee on Commerce, Justice,  
Science and Related Agencies

1 -- Honorable Thomas R. Carper  
Ranking Member  
Committee on Homeland Security and  
Governmental Affairs

1 -- Honorable Adam B. Schiff  
Ranking Member  
Permanent Select Committee on Intelligence

1 -- Honorable John Conyers, Jr.  
Ranking Member  
Committee on the Judiciary

1 -- Honorable Michael Honda  
Ranking Member  
Committee on Appropriations  
Subcommittee on Commerce, Justice,  
Science, and Related Agencies

1 -- Honorable Elijah E. Cummings  
Ranking Member  
Committee on Oversight and  
Government Reform

**Marrone, Ana**

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**From:** (b) (6), (b) (7)(C)  
**Sent:** Thursday, November 10, 2016 3:11 PM  
**To:** HatchAct  
**Subject:** Alleged Hatch Act Violation by Director of the FBI Comey  
**Attachments:** OSC-13 Director Comey signed.pdf

(b) (6), (b) (7)(C)

Fax (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

"There is but one kind of unity possible in a world as diverse as ours. It is unity of method, rather than aim; the unity of disciplined experiment."

(b) (6), (b) (7)(C)



**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)**

**INFORMATION ABOUT FILING A COMPLAINT WITH OSC**

This complaint form can be used to file complaints alleging violations of the Hatch Act by federal, District of Columbia, state and local and nonprofit organization employees. While it is not required that this complaint form be used, use of this form will be helpful to OSC in expediting the processing and investigating of complaints. Please complete the information requested below as fully and accurately as possible.

**SEND COMPLETED COMPLAINT FORMS TO:**

**By Mail:** Hatch Act Unit  
Office of Special Counsel  
1730 M Street, N.W. (Suite 218)  
Washington, DC 20036-4505

**By Fax:** (202) 254-3700

**Electronically:** [WWW.OSC.GOV](http://WWW.OSC.GOV) (AT "FILE COMPLAINTS ONLINE")

**PLEASE KEEP A COPY OF YOUR COMPLAINT, ANY SUPPORTING DOCUMENTATION, AND ANY ADDITIONAL ALLEGATIONS SENT IN WRITING TO OSC NOW, OR AT ANY TIME WHILE YOUR COMPLAINT IS PENDING. REPRODUCTION CHARGES UNDER THE FREEDOM OF INFORMATION ACT MAY APPLY TO ANY REQUEST YOU MAKE FOR COPIES OF MATERIALS THAT YOU PROVIDED TO OSC.**

**INFORMATION ABOUT THE HATCH ACT**

The Hatch Act prohibits federal, District of Columbia, some state and local and nonprofit organization employees from engaging in certain types of political activities. See 5 U.S.C. §§ 7321- 7326 and 5 U.S.C. §§ 1501-1508.

**Federal Employees are generally prohibited from:**

1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election.
2. Soliciting, accepting, or receiving political contributions (with some exceptions).
3. Running for nomination or as candidates for partisan political office.
4. Soliciting or discouraging the participation in political activity of any person who has business before their employing agency.
5. Engaging in political activity while on duty, in any room or building occupied in the discharge of official duties, while wearing a uniform or official insignia, or while using a vehicle owned or leased by the United States government.

**State and Local Employees are prohibited from\*:**

1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
2. Coercing, attempting to coerce, commanding, or advising a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
3. Being a candidate for partisan political office.

\* Employees of some private, nonprofit organizations are subject to the same restrictions on political activity that apply to covered state and local employees.

**VISIT [WWW.OSC.GOV](http://WWW.OSC.GOV)  
FOR MORE INFORMATION ABOUT THE HATCH ACT**

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 2 of 7

U.S. OFFICE OF SPECIAL COUNSEL

(202) 254-3650 / (800) 854-2824

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)

(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate.  
(If more space is needed, use Continuation Sheet at page 4.)

PART 1: COMPLAINANT'S INFORMATION

1. Name of person filing complaint:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

2. Agency name (if referring complaint):

3. Agency address (if referring complaint):

4. Home or mailing address (if filing complaint):

(b) (6), (b) (7)(C)

5. Contact information:

Telephone number(s):

(b) (6), (b) (7)(C)

(Home)

(Office) Ext.

Fax number:

( )

E-mail address:

(b) (6), (b) (7)(C)

6. How did you first become aware that you could file a complaint with OSC?

( ) OSC Web site

( ✓ ) OSC Speaker

( ) OSC Brochure

( ) OSC Poster

( ) News Story

( ) Agency Personnel Office

( ✓ ) Union

( ) Co-Worker

( ) Other (please describe):

Date (approximate): 2009

PART 2: SUBJECT'S INFORMATION

7. Name of person who violated the Hatch Act ("Subject"): James Comey

8. Agency: Federal Bureau of Investigation

9. Position/Title: Director

10. Federal, District of Columbia (DC), State/Local or Nonprofit employee (check one):

( ☒ ) Federal employee

( ☐ ) DC employee

( ☐ ) State or Local employee

( ☐ ) Nonprofit organization employee

11. Contact information:

Telephone number(s):

( )

(Home)

( )

(Office) Ext.

Fax number:

( )

E-mail address:



COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 3 of 7

12. Subject's Supervisor's Name: NA

13. Subject's Supervisor's Contact information:

Telephone number(s): ( ) \_\_\_\_\_ (Home)  
( ) \_\_\_\_\_ (Office) Ext. \_\_\_\_\_  
Fax number: ( ) \_\_\_\_\_  
E-mail address: \_\_\_\_\_

14. Does Subject have knowledge of the Hatch Act? (check one): ( ☒ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

15. If you answered Yes to question 14, please explain how Subject knows about the Hatch Act (e.g. agency training, agency's distribution of brochures, flyers, e-mails, etc.)

I expect the director of the FBI to be cognizant of the law.

**PLEASE COMPLETE THE FOLLOWING ONLY IF THE SUBJECT IS A STATE OR LOCAL OR NONPROFIT ORGANIZATION EMPLOYEE. IF NOT, SKIP TO PART 3:**

16. Does Subject's employing agency receive federal funds? (check one): ( ☐ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

17. If you answered Yes to question 16, please provide the following:

a) Nature and source of federal funds

b) Name of individual(s) at agency responsible for federal funds:

c) Contact information for individual(s) responsible for federal funds:

Telephone Number(s): ( ) \_\_\_\_\_  
Fax Number: ( ) \_\_\_\_\_  
E-mail address: \_\_\_\_\_

18. Does the Subject perform duties in connection with federal funds? (check one) ( ☐ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

19. If you answered yes to question 18, please provide the type of duties Subject performs in connection with Federal funds:

**PART 3: DETAILS OF COMPLAINT**

20. What are the actions that you are reporting to OSC? Please attach all supporting documentation to the complaint form. **IF YOU ARE ALLEGING CANDIDACY IN A PARTISAN ELECTION, PLEASE PROVIDE THE DATE OF THE ELECTION AND/OR THE DATE NOMINATING PETITIONS ARE DUE. IF YOU ARE ALLEGING POLITICAL ACTIVITY WHILE ON DUTY OR IN A FEDERAL BUILDING FOR FEDERAL**

James Comey, took the outrageous and unprecedented step of sending a letter to Congress announcing that the bureau has "learned of the existence of emails that appear to be pertinent" to the inquiry into Clinton's personal email server that apparently had been uncovered as part of an Anthony Weiner sexting investigation.

From the New York Times  
31 Oct 2016

<http://nyti.ms/2e3Wgsf>



**PART 4: CONSENT TO CERTAIN DISCLOSURES OF INFORMATION**

OSC asks everyone who files a complaint alleging a possible prohibited political activity (violation of the Hatch Act) to select one of three Consent Statements shown below. **IF YOU DO NOT SELECT ONE OF THE THREE CONSENT STATEMENTS BELOW, OSC WILL ASSUME THAT YOU HAVE SELECTED CONSENT STATEMENT 1.** Please: (a) select and sign (or check, if filing electronically) one of the Consent Statements below; and (b) keep a copy of the Consent Statement you select (as well as a copy of all documents that you send to OSC) for your own records.

If you initially select a Consent Statement that restricts OSC's use of information, you may later select a less restrictive Consent Statement. If your selection of Consent Statement 2 or 3 prevents OSC from being able to conduct an investigation, an OSC representative will contact you, explain the circumstances, and provide you with an opportunity to select a less restrictive Consent Statement.

You should be aware that the Privacy Act allows information in OSC case files to be used or disclosed for certain purposes, regardless of which Consent Statement you sign. See 5 U.S.C. § 552a(b). Information about certain circumstances under which OSC can use or disclose information under the Privacy Act appears on the next page.

*(Please sign one)*

**Consent Statement 1**

I *consent* to OSC's communication with the pertinent individuals involved in my complaint. I agree to allow OSC to disclose my identity as the complainant, and information from or about me, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 1

Date Signed

**Consent Statement 2**

I *consent* to OSC's communication with the pertinent individuals involved in my complaint, but I *do not agree* to allow OSC to disclose my identity as the complainant. I agree to allow OSC to disclose only information from or about me, without disclosing my name or other identifying information, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that in some circumstances OSC could not maintain my anonymity while communicating with the pertinent individuals. In such cases, I understand that this request for confidentiality might prevent OSC from taking further action on my complaint. I also understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

(b) (6), (b) (7)(C)

Complainant's Signature for Consent Statement 2

10 Nov 2016

Date Signed

**Consent Statement 3**

I *do not consent* to OSC's communication with the pertinent individuals involved in my complaint. I understand that if OSC decides that it cannot investigate the allegation(s) in my complaint without communicating with these individuals, my lack of consent will probably prevent OSC from taking further action on the complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 3

Date Signed

**PART 5: CERTIFICATION AND SIGNATURE**

*I certify that all of the statements made in this complaint (including any continuation pages) are true, complete, and correct to the best of my knowledge and belief. I understand that a false statement or concealment of a material fact is a criminal offense punishable by a fine of up to \$250,000, imprisonment for up to five years, or both. 18 U.S.C. § 1001.*

(b) (6), (b) (7)(C)

10 Nov 2016

Date Signed

**PART 6: PRIVACY ACT / PAPERWORK REDUCTION ACT STATEMENTS**

Routine Uses. Limited disclosure of information from OSC files is needed to fulfill OSC's investigative, prosecutorial, and related responsibilities. OSC has described 18 routine uses for information in its files in the *Federal Register* (F.R.), at 66 F.R. 36611 (July 12, 2001), and 66 F.R. 51095 (October 5, 2001). A copy of the routine uses is available from OSC upon request. A summary of the routine uses appears below.

OSC may disclose information from its files in the following circumstances:

1. to disclose that an allegation of prohibited personnel practices or other prohibited activity has been filed;
2. to disclose information to the Office of Personnel Management (OPM) as needed for inquiries involving civil service laws, rules or regulations, or to obtain an advisory opinion;
3. to disclose information about allegations or complaints of discrimination to entities concerned with enforcement of antidiscrimination laws;
4. to the MSPB or the President, when seeking disciplinary action;
5. to the involved agency, MSPB, OPM, or the President when OSC has reason to believe that a prohibited personnel practice has occurred, exists, or is to be taken;
6. to disclose information to Congress in OSC's annual report;
7. to disclose information to third parties as needed to conduct an investigation; obtain an agency investigation and report on information disclosed to OSC's whistleblower disclosure channel; or to give notice of the status or outcome of an investigation;
8. to disclose information as needed to obtain information about hiring or retention of an employee; issuance of a security clearance; conduct of a security or suitability investigation; award of a contract; or issuance of a license, grant, or other benefit;
9. to the Office of Management and Budget (OMB) for certain legislative coordination and clearance purposes;



## COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 7 of 7

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10. to provide information from an individual's record to a congressional office acting pursuant to the individual's request;
11. to furnish information to the National Archives and Records Administration for records management purposes;
12. to produce summary statistics and work force or other studies;
13. to provide information to the Department of Justice as needed for certain litigation purposes;
14. to provide information to courts or adjudicative bodies as needed for certain litigation purposes;
15. to disclose information to the MSPB as needed in special studies authorized by law;
16. for coordination with an agency's Office of Inspector General or comparable entity, to facilitate the coordination and conduct of investigations and review of allegations;
17. to news media or the public in certain circumstances (except when the Special Counsel determines that disclosure in a particular case would be an unwarranted invasion of personal privacy); and
18. to the Department of Labor and others as needed to implement the Uniformed Services Employment and Reemployment Rights Act of 1994, and the Veterans' Employment Opportunities Act of 1998.

If OSC officials believe that disclosure may be appropriate in a situation not covered by one of OSC's routine uses, or one of the 11 other exceptions to the Privacy Act's general prohibition on disclosure, OSC will seek written authorization from the complainant permitting the disclosure.

Purposes, Burdens, and Other Information. An agency may not conduct or sponsor a collection of information, and persons may not be required to respond to a collection of information, unless it: (a) has been approved by OMB; and (b) displays a currently valid OMB control number. The information in this form is collected pursuant to OSC's legal responsibility to investigate: (a) allegations of prohibited political activity (5 U.S.C. § 1216). The information will be reviewed by OSC to determine whether the facts establish its jurisdiction over the subject of the complaint, and whether further investigation and disciplinary action is warranted. The reporting burden for this collection of information is estimated to be an average of 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the form. Please send any comments about this burden estimate, and suggestions for reducing the burden, to the Office of Special Counsel, Legal Counsel and Policy Division, 1730 M Street, N.W. (Suite 218), Washington, DC 20036-4505.

**Marrone, Ana**

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**From:** (b) (6), (b) (7)(C)  
**Sent:** Tuesday, November 15, 2016 12:41 AM  
**To:** HatchAct  
**Subject:** FORM OSI-13, [02.28.2014] HATCH ACT COMPLAINT  
**Attachments:** OSC-13 [02.28.2014] HATCH ACT COMPLAINT.pdf

TO:

HATCH ACT UNIT  
OFFICE OF SPECIAL COUNSEL  
1730 M STREET, N.W., #218  
WASHINGTON, D.C. 20036-4531  
1.202.254.3650

FROM:

(b) (6), (b) (7)(C)

11.14.2016 @ 22:40:00USA/MST/

(b) (6), (b) (7)(C)



U.S. OFFICE OF SPECIAL COUNSEL  
Form OSC-13 (2/28/14)

(202) 254-3650 / (800) 854-2824  
OMB Control No. 3255-0002

**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)**

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Office of Special Counsel  
1730 M Street, N.W. (Suite 218)  
Washington, DC 20036-4505

**By Fax:**

(202)254-3700

**Electronically:**

WWW.OSC.GOV (AT "FILE COMPLAINTS ONLINE")

**PLEASE KEEP A COPY OF YOUR COMPLAINT, ANY SUPPORTING DOCUMENTATION, AND ANY ADDITIONAL ALLEGATIONS SENT IN WRITING TO OSC NOW, OR AT ANY TIME WHILE YOUR COMPLAINT IS PENDING. REPRODUCTION CHARGES UNDER THE FREEDOM OF INFORMATION ACT MAY APPLY TO ANY REQUEST YOU MAKE FOR COPIES OF MATERIALS THAT YOU PROVIDED TO OSC.**

**INFORMATION ABOUT THE HATCH ACT**

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1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election.
2. Soliciting, accepting, or receiving political contributions (with some exceptions).
3. Running for nomination or as candidates for partisan political office.
4. Soliciting or discouraging the participation in political activity of any person who has business before their employing agency.
5. Engaging in political activity while on duty, in any room or building occupied in the discharge of official duties, while wearing a uniform or official insignia, or while using a vehicle owned or leased by the United States government.

**State and Local Employees are prohibited from\*:**

1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
2. Coercing, attempting to coerce, commanding, or advising a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
3. Being a candidate for partisan political office.

\* Employees of some private, nonprofit organizations are subject to the same restrictions on political activity that apply to covered state and local employees.

VISIT [WWW.OSC.GOV](http://WWW.OSC.GOV)  
FOR MORE INFORMATION ABOUT THE HATCH ACT

**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**

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U.S. OFFICE OF SPECIAL COUNSEL

(202) 254-3650 / (800) 854-2824

**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)***(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate. (If more space is needed, use Continuation Sheet at page 4.)***PART 1: COMPLAINANT'S INFORMATION**

1. Name of person filing complaint: (b) (6), (b) (7)(C)
2. Agency name (if referring complaint): Federal Bureau of Investigation
3. Agency Address (if referring complaint): 935 Pennsylvania Avenue, NW, Washington, D.C. 20535-0001
4. Home or mailing address (if filing complaint): (b) (6), (b) (7)(C)
5. Contact information: Telephone number(s): (b) (6), (b) (7)(C) (Home) (Office) Ext.   
 Fax number: ( ) ( )  
 E-mail address: (b) (6), (b) (7)(C)
6. How did you first become aware that you could file a complaint with OSC?  
☒ OSC Web site ☐ OSC speaker ☐ OSC brochure ☐ OSC poster  
☐ news story ☐ agency personnel office ☐ union ☐ co-worker  
☐ other (please describe):   
 Date (approximate): 11/14/2016

**PART 2: SUBJECT'S INFORMATION**

7. Name of person who violated the Hatch Act ("Subject"): James B. Comey Jr.
8. Agency: Federal Bureau of Investigation [F.B.I.]
9. Position/Title: Director
10. Federal, District of Columbia (DC), State/Local or Nonprofit employee (check one):  
☒ Federal employee  
☐ DC employee.  
☐ State or Local employee  
☐ Nonprofit organization employee
11. Contact information: Telephone number(s): ( ) ( ) (Home) ( ) ( ) (Office) Ext.   
 Fax number: ( ) ( )  
 E-mail address:

**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**

Page 3 of 7

12. Subject's Supervisor's Name: Loretta Lynch, United States Attorney General
13. Subject's Supervisor's Contact Information:  
 Telephone number(s): ( ) ( ) (Home) ( ) ( ) (Office) Ext.   
 Fax number: ( ) ( )  
 E-mail address:
14. Does Subject have knowledge of the Hatch Act? (check one):  
☒ Yes  
☐ No  
☐ Not sure



15. If you answered **Yes** to question 14, please explain how Subject knows about the Hatch Act (e.g. agency training, agency's distribution of brochures, flyers, e-mails, etc.):

The "subject" is the Director of the: United States Federal Bureau of Investigation [F.B.I.]. As such functions through utilization of authority by means of the United States Department of Justice.

The "subject" has been made aware of The Hatch Act due to global United States Government exposure inherent to internal actions of both the Federal Bureau of Investigation and the Department of Justice as well as domestic and/or foreign media reports.

The "subject's" action and/or actions inherent to cause for the aforesaid United States Government exposure being "release of information" pertinent to the disturbance of all protocols and procedures inherent to the election of the President of the United States.

As written in United States Office of Special Counsel [OSC]: Form OSC-13.

The Hatch Act prohibits federal, District of Columbia, some state and local and nonprofit organization employees from engaging in certain types of political activities. [5 U.S.C. §§ 7321-7326 and 5 U.S.C. §§ 1501-1508]. Federal employees are generally prohibited from: 1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election.

**PLEASE COMPLETE THE FOLLOWING ONLY IF THE SUBJECT IS A STATE OR LOCAL OR NONPROFIT ORGANIZATION EMPLOYEE. IF NOT, SKIP TO PART 3:**

16. Does Subject's employing agency receive federal funds? (check one):

☒ Yes

☐ No

☐ Not sure

17. If you answered **Yes** to question 16, please provide the following:

a) Nature and source of federal funds United States Governmeent

b) Name of individual (s) at agency responsible for federal funds: James B. Comey

c) Contact information for individual (s) responsible for federal funds:

Telephone number(s):

(  )  (Home)  
( 202 ) 324-3000 (Office) Ext.

Fax number: (  )

E-mail address:

18. Does the Subject perform duties in connection with federal funds? (check one):

☒ Yes

☐ No

☐ Not sure

19.

If you answered yes to question 18, please provide the type of duties Subject performs in connection with Federal funds:

"Subject" is the Director of the United States Federal Bureau of Investigation and therefore is responsible for all budget actions, directives, expenditures, etcetera.

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)  
Page 4 of 7

**PART 3: DETAILS OF COMPLAINT**

20. What are the actions that you are reporting to OSC? Please attach all supporting documentation to the complaint form. **IF YOU ARE ALLEGING CANDIDACY IN A PARTISAN ELECTION, PLEASE PROVIDE THE DATE OF THE ELECTION AND/OR THE DATE NOMINATING PETITIONS ARE DUE. IF YOU ARE ALLEGING POLITICAL ACTIVITY WHILE ON DUTY OR IN A FEDERAL BUILDING FOR FEDERAL EMPLOYEES, PLEASE PROVIDE THE TIME AND/OR PLACE THE ACTIVITY OCCURRED.**

The date of the national election for President of the United States was November 8, 2016.

Those actions causal to the aforesaid disturbance of all protocols and procedures inherent to the election of the President of the United States emanated from United States Federal Bureau of Investigation headquarters. The aforesaid actions were initiated on November 28, 2016.

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)  
Page 5 of 7

**PART 4: CONSENT TO CERTAIN DISCLOSURES OF INFORMATION**

OSC asks everyone who files a complaint alleging a possible prohibited personnel practice or other prohibited activity to select one of three Consent Statements shown below. **IF YOU DO NOT SELECT ONE OF THE THREE CONSENT STATEMENTS BELOW, OSC WILL ASSUME THAT YOU HAVE SELECTED CONSENT STATEMENT 1.** Please: (a) select and sign (or check, if filing electronically) one of the Consent Statements below; and (b) keep a copy of the Consent Statement you select (as well as a copy of all documents that you send to OSC) for your own records.

If you initially select a Consent Statement that restricts OSC's use of information, you may later select a less restrictive Consent Statement. If your selection of Consent Statement 2 or 3 prevents OSC from being able to conduct an investigation, an OSC representative will contact you, explain the circumstances, and provide you with an opportunity to select a less restrictive Consent Statement.

You should be aware that the Privacy Act allows information in OSC case files to be used or disclosed for certain purposes, regardless of



which Consent Statement you sign. See 5 U.S.C. § 552a(b). Information about certain circumstances under which OSC can use or disclose information under the Privacy Act appears on the next page.

(Please sign one)

#### Consent Statement 1

I consent to OSC's communication with the pertinent individuals involved in my complaint. I agree to allow OSC to disclose my identity as the complainant if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint, I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 6, below).

Complainant's Signature for Consent Statement 1

Date Signed

#### Consent Statement 2

I consent to OSC's communication with the pertinent individuals involved in my complaint, but I do not agree to allow OSC to disclose my identity as the complainant. I agree to allow OSC to disclose only information from or about me, without disclosing my name or other identifying information, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that in some circumstances OSC could not maintain my anonymity while communicating with the pertinent individuals. In such cases, I understand that this request for confidentiality might prevent OSC from taking further action on my complaint. I also understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 6, below).

Complainant's Signature for Consent Statement 2

Date Signed

#### Consent Statement 3

I do not consent to OSC's communication with the pertinent individuals involved in my complaint. I understand that if OSC decides that it cannot investigate the allegation(s) in my complaint without communicating with this individuals, my lack of consent will probably prevent OSC from taking further action on the complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 6, below).

Complainant's Signature for Consent Statement 3

Date Signed

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)  
Page 6 of 7

### PART 5: CERTIFICATION AND SIGNATURE

I certify that all of the statements made in this complaint (including any continuation pages) are true, complete, and correct to the best of my knowledge and belief. I understand that a false statement or concealment of a material fact is a criminal offense punishable by a fine of up to \$250,000, imprisonment for up to five years, or both. 18 U.S.C. § 1001.

Signature

Date Signed

### PART 6: PRIVACY ACT / PAPERWORK REDUCTION ACT STATEMENTS

**Routine Uses.** Limited disclosure of information from OSC files is needed to fulfill OSC's investigative, prosecutorial, and related responsibilities. OSC has described 18 routine uses for information in its files in the *Federal Register* (F.R.), at 66 F.R. 36611 (July 12, 2001), and 66 F.R. 51095 (October 5, 2001). A copy of the routine uses is available from OSC upon request. A summary of the routine uses appears below.

OSC may disclose information from its files in the following circumstances:

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2. to disclose information to the Office of Personnel Management (OPM) as needed for inquiries involving civil service laws, rules or regulations, or to obtain an advisory opinion;
3. to disclose information about allegations or complaints of discrimination to entities concerned with enforcement of antidiscrimination laws;
4. to the MSPB or the President, when seeking disciplinary action;
- 5.

- to the involved agency, MSPB, OPM, or the President when OSC has reason to believe that a prohibited personnel practice has occurred, exists, or is to be taken;
6. to disclose information to Congress in OSC's annual report;
  7. to disclose information to third parties (without identifying the complainant unless OSC has the complainant's consent) as needed to conduct an investigation; obtain an agency investigation and report on information disclosed to OSC's whistleblower disclosure channel; or to give notice of the status or outcome of an investigation;
  8. to disclose information as needed to obtain information about hiring or retention of an employee; issuance of a security clearance; conduct of a security or suitability investigation; award of a contract; or issuance of a license, grant, or other benefit;
  9. to the Office of Management and Budget (OMB) for certain legislative coordination and clearance purposes;

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COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)  
Page 7 of 7

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10. to provide information from an individual's record to a congressional office acting pursuant to the individual's request;
11. to furnish information to the National Archives and Records Administration for records management purposes;
12. to produce summary statistics and work force or other studies;
13. to provide information to the Department of Justice as needed for certain litigation purposes;
14. to provide information to courts or adjudicative bodies as needed for certain litigation purposes;
15. to disclose information to the MSPB as needed in special studies authorized by law;
16. for coordination with an agency's Office of Inspector General or comparable entity, to facilitate the coordination and conduct of investigations and review of allegations;
17. to news media or the public in certain circumstances (except when the Special Counsel determines that disclosure in a particular case would be an unwarranted invasion of personal privacy); and
18. to the Department of Labor and others as needed to implement the Uniformed Services Employment and Reemployment Rights Act of 1994, and the Veterans' Employment Opportunities Act of 1998.

If OSC officials believe that disclosure may be appropriate in a situation not covered by one of OSC's routine uses, or one of the 11 other exceptions to the Privacy Act's general prohibition on disclosure, OSC will seek written authorization from the complainant permitting the disclosure.

Purposes, Burdens, and Other Information. An agency may not conduct or sponsor a collection of information, and persons may not be required to respond to a collection of information, unless it: (a) has been approved by OMB; and (b) displays a currently valid OMB control number. The information in this form is collected pursuant to OSC's legal responsibility to investigate: (a) allegations of prohibited political activity (5 U.S.C. § 1216). The information will be reviewed by OSC to determine whether the facts establish its jurisdiction over the subject of the complaint, and whether further investigation and disciplinary action is warranted. The reporting burden for this collection of information is estimated to be an average of 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the form. Please send any comments about this burden estimate, and suggestions for reducing the burden, to the Office of Special Counsel, Legal Counsel and Policy Division, 1730 M Street, N.W. (Suite 218), Washington, DC 20036-4505.



2016 NOV 22 AM 10:01

U.S. OFFICE OF SPECIAL COUNSEL

(202) 254-3650 / (800) 854-2824

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)

(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate.  
(If more space is needed, use Continuation Sheet at page 4.)

PART 1: COMPLAINANT'S INFORMATION

1. Name of person filing complaint: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)
2. Agency name (if referring complaint): \_\_\_\_\_
3. Agency address (if referring complaint): \_\_\_\_\_
4. Home or mailing address (if filing complaint): (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)
5. Contact information: Telephone number(s): (b) (6), (b) (7)(C) (Home)  
(b) (6), (b) (7)(C) (Office) Ext. \_\_\_\_\_  
Fax number: (b) (6), (b) (7)(C)  
E-mail address: \_\_\_\_\_
6. How did you first become aware that you could file a complaint?  
(☒) OSC Web site ( ) OSC speaker ( ) OSC brochure ( ) OSC poster  
( ) news story ( ) agency personnel office ( ) union ( ) co-worker  
( ) other (please describe): \_\_\_\_\_  
Date (approximate): 28 October 2016

PART 2: SUBJECT'S INFORMATION

7. Name of person who violated the Hatch Act ("Subject"): James B. Comey JR
8. Agency: FBI
9. Position/Title: Director
10. Federal, District of Columbia (DC), State/Local or Nonprofit employee (check one):  
(☒) Federal employee  
( ) DC employee  
( ) State or Local employee  
( ) Nonprofit organization employee
11. Contact information: Telephone number(s): (202) 324-3000 (Home)  
( ) (Office) Ext. \_\_\_\_\_  
Fax number: \_\_\_\_\_  
E-mail address: \_\_\_\_\_

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 3 of 7

12. Subject's Supervisor's Name: Coretta Lynch

13. Subject's Supervisor's Contact information:

Telephone number(s): ( ) \_\_\_\_\_ (Home)  
(202) 661-4636 (Office) Ext. \_\_\_\_\_

Fax number: ( ) \_\_\_\_\_

E-mail address: \_\_\_\_\_

14. Does Subject have knowledge of the Hatch Act? (check one): ( ☒ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

15. If you answered Yes to question 14, please explain how Subject knows about the Hatch Act (e.g. agency training, agency's distribution of brochures, flyers, e-mails, etc.)

As director of the FBI, he would have to be aware of the Hatch Act only through his supervision

**PLEASE COMPLETE THE FOLLOWING ONLY IF THE SUBJECT IS A STATE OR LOCAL OR NONPROFIT ORGANIZATION EMPLOYEE. IF NOT, SKIP TO PART 3:**

16. Does Subject's employing agency receive federal funds? (check one): ( ☒ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

17. If you answered Yes to question 16, please provide the following:

a) Nature and source of federal funds Federal Budget allocation

b) Name of individual (s) at agency responsible for federal funds: ?

c) Contact information for individual (s) responsible for federal funds:

Telephone Number (s): ( ) \_\_\_\_\_

Fax Number: ( ) \_\_\_\_\_

E-mail address: \_\_\_\_\_

18. Does the Subject perform duties in connection with federal funds? (check one): ( ☒ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

19. If you answered yes to question 18, please provide the type of duties Subject performs in connection with Federal funds:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



PART 3: DETAILS OF COMPLAINT

20. What are the actions that you are reporting to OSC? Please attach all supporting documentation to the complaint form. IF YOU ARE ALLEGING CANDIDACY IN A PARTISAN ELECTION, PLEASE PROVIDE THE DATE OF THE ELECTION AND/OR THE DATE NOMINATING PETITIONS ARE DUE. IF YOU ARE ALLEGING POLITICAL ACTIVITY WHILE ON DUTY OR IN A FEDERAL BUILDING FOR FEDERAL EMPLOYEES, PLEASE PROVIDE THE TIME AND/OR PLACE THE ACTIVITY OCCURRED.

On October 28, James Comey sent a letter to Congress giving various committee leaders that the FBI had found emails that might be pertinent to the Clinton email investigation. That close to the election Director Comey had to have been aware of the political sensitivity of his letter and that there would be a high probability of information contained in the letter being leaked. He did not classify the letter which given a top classification it would probably have prevented Congressional Republicans from leaking the information to the media. Because of the information in the letter it was quickly leaked to the press for political purposes and it negatively impacted what was a close presidential election. By not choosing to protect the information in his letter to Congress and a subsequent letter to FBI staff pertaining to the letter and its contents, Republicans were given a distinct political advantage. Director Comey had a responsibility to the American people and our electoral process, to protect the information contained in his letter to Congress and his briefing letter to FBI Employees. ~~By~~



**PART 4: CONSENT TO CERTAIN DISCLOSURES OF INFORMATION**

OSC asks everyone who files a complaint alleging a possible prohibited political activity (violation of the Hatch Act) to select one of three Consent Statements shown below. **IF YOU DO NOT SELECT ONE OF THE THREE CONSENT STATEMENTS BELOW, OSC WILL ASSUME THAT YOU HAVE SELECTED CONSENT STATEMENT 1.** Please: (a) select and sign (or check, if filing electronically) one of the Consent Statements below; and (b) keep a copy of the Consent Statement you select (as well as a copy of all documents that you send to OSC) for your own records.

If you initially select a Consent Statement that restricts OSC's use of information, you may later select a less restrictive Consent Statement. If your selection of Consent Statement 2 or 3 prevents OSC from being able to conduct an investigation, an OSC representative will contact you, explain the circumstances, and provide you with an opportunity to select a less restrictive Consent Statement.

You should be aware that the Privacy Act allows information in OSC case files to be used or disclosed for certain purposes, regardless of which Consent Statement you sign. See 5 U.S.C. § 552a(b). Information about certain circumstances under which OSC can use or disclose information under the Privacy Act appears on the next page.

*(Please sign one)*

**Consent Statement 1**

I *consent* to OSC's communication with the pertinent individuals involved in my complaint. I *agree* to allow OSC to disclose my identity as the complainant, and information from or about me, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

\_\_\_\_\_  
Complainant's Signature for Consent Statement 1

\_\_\_\_\_  
Date Signed

**Consent Statement 2**

I *consent* to OSC's communication with the pertinent individuals involved in my complaint, but I *do not agree* to allow OSC to disclose my identity as the complainant. I agree to allow OSC to disclose only information from or about me, without disclosing my name or other identifying information, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that in some circumstances OSC could not maintain my anonymity while communicating with the pertinent individuals. In such cases, I understand that this may prevent OSC from taking further action on my complaint. I also understand that OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

(b) (6), (b) (7)(C)

\_\_\_\_\_  
November 15, 2016  
Date Signed

**Consent Statement 3**

I *do not consent* to OSC's communication with the pertinent individuals involved in my complaint. I understand that if OSC decides that it cannot investigate the allegation(s) in my complaint without communicating with these individuals, my lack of consent will probably prevent OSC from taking further action on the complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

\_\_\_\_\_  
Complainant's Signature for Consent Statement 3

\_\_\_\_\_  
Date Signed



**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**

Page 6 of 7

**PART 5: CERTIFICATION AND SIGNATURE**

I certify that all of the statements made in this complaint (including any continuation pages) are true, complete, and correct to the best of my knowledge and belief. I understand that a false statement or concealment is punishable by a fine of up to \$250,000, imprisonment for up to five years, or both.

Signature

Date Signed

15 November 2016

**PART 6: PRIVACY ACT / PAPERWORK REDUCTION ACT STATEMENTS**

Routine Uses. Limited disclosure of information from OSC files is needed to fulfill OSC's investigative, prosecutorial, and related responsibilities. OSC has described 18 routine uses for information in its files in the *Federal Register* (F.R.), at 66 F.R. 36611 (July 12, 2001), and 66 F.R. 51095 (October 5, 2001). A copy of the routine uses is available from OSC upon request. A summary of the routine uses appears below.

OSC may disclose information from its files in the following circumstances:

1. to disclose that an allegation of prohibited personnel practices or other prohibited activity has been filed;
2. to disclose information to the Office of Personnel Management (OPM) as needed for inquiries involving civil service laws, rules or regulations, or to obtain an advisory opinion;
3. to disclose information about allegations or complaints of discrimination to entities concerned with enforcement of antidiscrimination laws;
4. to the MSPB or the President, when seeking disciplinary action;
5. to the involved agency, MSPB, OPM, or the President when OSC has reason to believe that a prohibited personnel practice has occurred, exists, or is to be taken;
6. to disclose information to Congress in OSC's annual report;
7. to disclose information to third parties as needed to conduct an investigation; obtain an agency investigation and report on information disclosed to OSC's whistleblower disclosure channel; or to give notice of the status or outcome of an investigation;
8. to disclose information as needed to obtain information about hiring or retention of an employee; issuance of a security clearance; conduct of a security or suitability investigation; award of a contract; or issuance of a license, grant, or other benefit;
9. to the Office of Management and Budget (OMB) for certain legislative coordination and clearance purposes;

**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)**

2016 NOV 29 AM 9:59

**INFORMATION ABOUT FILING A COMPLAINT WITH OSC**

This complaint form can be used to file complaints alleging violations of the Hatch Act by federal, District of Columbia, state and local and nonprofit organization employees. While it is not required that this complaint form be used, use of this form will be helpful to OSC in expediting the processing and investigating of complaints. Please complete the information requested below as fully and accurately as possible.

**SEND COMPLETED COMPLAINT FORMS TO:**

**By Mail:**

Hatch Act Unit  
Office of Special Counsel  
1730 M Street, N.W. (Suite 218)  
Washington, DC 20036-4505

**By Fax:**

(202) 254-3700

**Electronically:** [WWW.OSC.GOV](http://WWW.OSC.GOV) (AT "FILE COMPLAINTS ONLINE")

**PLEASE KEEP A COPY OF YOUR COMPLAINT, ANY SUPPORTING DOCUMENTATION, AND ANY ADDITIONAL ALLEGATIONS SENT IN WRITING TO OSC NOW, OR AT ANY TIME WHILE YOUR COMPLAINT IS PENDING. REPRODUCTION CHARGES UNDER THE FREEDOM OF INFORMATION ACT MAY APPLY TO ANY REQUEST YOU MAKE FOR COPIES OF MATERIALS THAT YOU PROVIDED TO OSC.**

**INFORMATION ABOUT THE HATCH ACT**

The Hatch Act prohibits federal, District of Columbia, some state and local and nonprofit organization employees from engaging in certain types of political activities. See 5 U.S.C. §§ 7321- 7326 and 5 U.S.C. §§ 1501-1508.

**Federal Employees are generally prohibited from:**

1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election.
2. Soliciting, accepting, or receiving political contributions (with some exceptions).
3. Running for nomination or as candidates for partisan political office.
4. Soliciting or discouraging the participation in political activity of any person who has business before their employing agency.
5. Engaging in political activity while on duty, in any room or building occupied in the discharge of official duties, while wearing a uniform or official insignia, or while using a vehicle owned or leased by the United States government.

**State and Local Employees are prohibited from\*:**

1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
2. Coercing, attempting to coerce, commanding, or advising a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
3. Being a candidate for partisan political office.

\* Employees of some private, nonprofit organizations are subject to the same restrictions on political activity that apply to covered state and local employees.



COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 2 of 7

U.S. OFFICE OF SPECIAL COUNSEL

(202) 254-3650 / (800) 854-2824

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)

(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate.  
(If more space is needed, use Continuation Sheet at page 4.)

PART 1: COMPLAINANT'S INFORMATION

1. Name of person filing complaint:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

2. Agency name (if referring complaint):

3. Agency address (if referring complaint):

4. Home or mailing address (if filing complaint):

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

5. Contact information:

Telephone number(s): ( ) ( ) ( ) (Home)

( ) ( ) ( ) (Office) Ext. ( )

Fax number:

( ) ( ) ( )

E-mail address: (b) (6), (b) (7)(C)

6. How did you first become aware that you could file a complaint with OSC?

( ) OSC Web site

( ) OSC Speaker

( ) OSC Brochure

( ) OSC Poster

( ) News Story

( ) Agency Personnel Office

( ) Union

( ) Co-Worker

(✓) Other (please describe): twitter

Date (approximate): 11-24-16

PART 2: SUBJECT'S INFORMATION

7. Name of person who violated the Hatch Act ("Subject"): James Comey, Jr

8. Agency: FBI

9. Position/Title: Director

10. Federal, District of Columbia (DC), State/Local or Nonprofit employee (check one):

(☒) Federal employee

(☐) DC employee

(☐) State or Local employee

(☐) Nonprofit organization employee

11. Contact information:

Telephone number(s): ( ) ( ) ( ) (Home)

( ) ( ) ( ) (Office) Ext. ( )

Fax number:

( ) ( ) ( )

E-mail address:

**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**

Page 3 of 7

12. Subject's Supervisor's Name: Loretta Lynch

13. Subject's Supervisor's Contact information:

Telephone number(s): ( ) \_\_\_\_\_ (Home)  
( ) \_\_\_\_\_ (Office) Ext. \_\_\_\_\_  
Fax number: ( ) \_\_\_\_\_  
E-mail address: \_\_\_\_\_

14. Does Subject have knowledge of the Hatch Act? (check one): ( ☒ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

15. If you answered Yes to question 14, please explain how Subject knows about the Hatch Act (e.g. agency training, agency's distribution of brochures, flyers, e-mails, etc.)

He is the Director of the FBI.

**PLEASE COMPLETE THE FOLLOWING ONLY IF THE SUBJECT IS A STATE OR LOCAL OR NONPROFIT ORGANIZATION EMPLOYEE. IF NOT, SKIP TO PART 3:**

16. Does Subject's employing agency receive federal funds? (check one): ( ☒ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

17. If you answered Yes to question 16, please provide the following:

a) Nature and source of federal funds

b) Name of individual(s) at agency responsible for federal funds:

c) Contact information for individual(s) responsible for federal funds:

Telephone Number(s): ( ) \_\_\_\_\_  
Fax Number: ( ) \_\_\_\_\_  
E-mail address: \_\_\_\_\_

18. Does the Subject perform duties in connection with federal funds? (check one) ( ☐ ) Yes  
( ☒ ) No  
( ☐ ) Not sure

19. If you answered yes to question 18, please provide the type of duties Subject performs in connection with Federal funds:



**PART 3: DETAILS OF COMPLAINT**

20. What are the actions that you are reporting to OSC? Please attach all supporting documentation to the complaint form. **IF YOU ARE ALLEGING CANDIDACY IN A PARTISAN ELECTION. PLEASE PROVIDE THE DATE OF THE ELECTION AND/OR THE DATE NOMINATING PETITIONS ARE DUE. IF YOU ARE ALLEGING POLITICAL ACTIVITY WHILE ON DUTY OR IN A FEDERAL BUILDING FOR FEDERAL**

Mr. Comey violated the Hatch Act by using his authority and influence to interfere with the 2016 presidential election.

Mr. Comey interfered with the 2016 presidential election by publicly commenting on an ongoing investigation regarding Anthony Wiener, who was the spouse of Huma Abedin, a top aide to Democratic candidate Hillary Clinton. He did this twice, the second time just days before election day. His allegations and innuendos cast negative light on Mrs. Clinton after which he admitted they were false.

Mr. Comey had possible political motives for doing so, he is a Republican.

Mr. Comey had possible pressure from rogue, pro-Trump FBI agents in the New York FBI office to make these public comments which violated the Hatch Act.

His actions most certainly affected the perception of voters as noted in polling data shifts following his public comments. His actions likely affected election results.

The American public has lost faith in the FBI because of his partisan, bigoted actions. Soon after, a woman who accused Donald J. Trump of rape when she was 13 dropped the charges against him because she did not feel the FBI would protect her. Mr. Trump is known to be vengeful, and his attorney Michael D. Cohen made vicious, graphic threats of harm to her.

<b>PART 4: CONSENT TO CERTAIN DISCLOSURES OF INFORMATION</b>
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OSC asks everyone who files a complaint alleging a possible prohibited political activity (violation of the Hatch Act) to select one of three Consent Statements shown below. **IF YOU DO NOT SELECT ONE OF THE THREE CONSENT STATEMENTS BELOW, OSC WILL ASSUME THAT YOU HAVE SELECTED CONSENT STATEMENT 1.** Please: (a) select and sign (or check, if filing electronically) one of the Consent Statements below; and (b) keep a copy of the Consent Statement you select (as well as a copy of all documents that you send to OSC) for your own records.

If you initially select a Consent Statement that restricts OSC's use of information, you may later select a less restrictive Consent Statement. If your selection of Consent Statement 2 or 3 prevents OSC from being able to conduct an investigation, an OSC representative will contact you, explain the circumstances, and provide you with an opportunity to select a less restrictive Consent Statement.

You should be aware that the Privacy Act allows information in OSC case files to be used or disclosed for certain purposes, regardless of which Consent Statement you sign. See 5 U.S.C. § 552a(b). Information about certain circumstances under which OSC can use or disclose information under the Privacy Act appears on the next page.

*(Please sign one)*

**Consent Statement 1**

I *consent* to OSC's communication with the pertinent individuals involved in my complaint. I *agree* to allow OSC to disclose my identity as the complainant, and information from or about me, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 1

Date Signed

**Consent Statement 2**

I *consent* to OSC's communication with the pertinent individuals involved in my complaint, but I *do not agree* to allow OSC to disclose my identity as the complainant. I agree to allow OSC to disclose only information from or about me, without disclosing my name or other identifying information, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that in some circumstances OSC could not maintain my anonymity while communicating with the pertinent individuals. In such cases, I understand that this request for confidentiality might prevent OSC from taking further action on my complaint. I also understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when circumstances summarized in Part 5, below).

**(b) (6), (b) (7)(C)**

2

November 24, 2016

Date Signed

**Consent Statement 3**

I *do not consent* to OSC's communication with the pertinent individuals involved in my complaint. I understand that if OSC decides that it cannot investigate the allegation(s) in my complaint without communicating with these individuals, my lack of consent will probably prevent OSC from taking further action on the complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 3

Date Signed



**PART 5: CERTIFICATION AND SIGNATURE**

*I certify that all of the statements made in this complaint (including any continuation pages) are true, complete, and correct to the best of my knowledge and belief. I understand that a false statement or concealment of a material fact is a criminal offense punishable by a fine of up to \$250,000, imprisonment for up to five years, or both, 18 U.S.C. § 1001.*

(b) (6), (b) (7)(C)

November 24, 2016

Date Signed

**PART 6: PRIVACY ACT / PAPERWORK REDUCTION ACT STATEMENTS**

**Routine Uses.** Limited disclosure of information from OSC files is needed to fulfill OSC's investigative, prosecutorial, and related responsibilities. OSC has described 18 routine uses for information in its files in the *Federal Register* (F.R.), at 66 F.R. 36611 (July 12, 2001), and 66 F.R. 51095 (October 5, 2001). A copy of the routine uses is available from OSC upon request. A summary of the routine uses appears below.

OSC may disclose information from its files in the following circumstances:

1. to disclose that an allegation of prohibited personnel practices or other prohibited activity has been filed;
2. to disclose information to the Office of Personnel Management (OPM) as needed for inquiries involving civil service laws, rules or regulations, or to obtain an advisory opinion;
3. to disclose information about allegations or complaints of discrimination to entities concerned with enforcement of antidiscrimination laws;
4. to the MSPB or the President, when seeking disciplinary action;
5. to the involved agency, MSPB, OPM, or the President when OSC has reason to believe that a prohibited personnel practice has occurred, exists, or is to be taken;
6. to disclose information to Congress in OSC's annual report;
7. to disclose information to third parties as needed to conduct an investigation; obtain an agency investigation and report on information disclosed to OSC's whistleblower disclosure channel; or to give notice of the status or outcome of an investigation;
8. to disclose information as needed to obtain information about hiring or retention of an employee; issuance of a security clearance; conduct of a security or suitability investigation; award of a contract; or issuance of a license, grant, or other benefit;
9. to the Office of Management and Budget (OMB) for certain legislative coordination and clearance purposes;

**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**

Page 7 of 7

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10. to provide information from an individual's record to a congressional office acting pursuant to the individual's request;
11. to furnish information to the National Archives and Records Administration for records management purposes;
12. to produce summary statistics and work force or other studies;
13. to provide information to the Department of Justice as needed for certain litigation purposes;
14. to provide information to courts or adjudicative bodies as needed for certain litigation purposes;
15. to disclose information to the MSPB as needed in special studies authorized by law;
16. for coordination with an agency's Office of Inspector General or comparable entity, to facilitate the coordination and conduct of investigations and review of allegations;
17. to news media or the public in certain circumstances (except when the Special Counsel determines that disclosure in a particular case would be an unwarranted invasion of personal privacy); and
18. to the Department of Labor and others as needed to implement the Uniformed Services Employment and Reemployment Rights Act of 1994, and the Veterans' Employment Opportunities Act of 1998.

If OSC officials believe that disclosure may be appropriate in a situation not covered by one of OSC's routine uses, or one of the 11 other exceptions to the Privacy Act's general prohibition on disclosure, OSC will seek written authorization from the complainant permitting the disclosure.

**Purposes, Burdens, and Other Information.** An agency may not conduct or sponsor a collection of information, and persons may not be required to respond to a collection of information, unless it: (a) has been approved by OMB; and (b) displays a currently valid OMB control number. The information in this form is collected pursuant to OSC's legal responsibility to investigate: (a) allegations of prohibited political activity (5 U.S.C. § 1216). The information will be reviewed by OSC to determine whether the facts establish its jurisdiction over the subject of the complaint, and whether further investigation and disciplinary action is warranted. The reporting burden for this collection of information is estimated to be an average of 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the form. Please send any comments about this burden estimate, and suggestions for reducing the burden, to the Office of Special Counsel, Legal Counsel and Policy Division, 1730 M Street, N.W. (Suite 218), Washington, DC 20036-4505.



COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 2 of 7

WASHINGTON, D.C.

2016 DEC 22 AM 8:51

U.S. OFFICE OF SPECIAL COUNSEL

(202) 254-3650 / (800) 854-2824

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)

(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate.  
(If more space is needed, use Continuation Sheet at page 4.)

PART 1: COMPLAINANT'S INFORMATION

1. Name of person filing complaint: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)
2. Agency name (if referring complaint): N/A
3. Agency address (if referring complaint): N/A
4. Home or mailing address (if filing complaint): (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)
5. Contact information: Telephone number(s): (b) (6), (b) (7)(C) (Home)  
( ) N/A (Office) Ext. \_\_\_\_\_  
Fax number: ( ) N/A  
E-mail address: (b) (6), (b) (7)(C)
6. How did you first become aware that you could file a complaint with OSC?
- ( ) OSC Web site ( ) OSC speaker ( ) OSC brochure ( ) OSC poster  
( ) news story ( ) agency personnel office ( ) union ( ) co-worker  
(X) other (please describe): citizen action committee  
Date (approximate): 12/2014

PART 2: SUBJECT'S INFORMATION

7. Name of person who violated the Hatch Act ("Subject"): James Comey
8. Agency: Federal Bureau of Investigation
9. Position/Title: Director
10. Federal, District of Columbia (DC), State/Local or Nonprofit employee (check one):  
(X) Federal employee  
( ) DC employee  
( ) State or Local employee  
( ) Nonprofit organization employee
11. Contact information: Telephone number(s): (202) 324-3000 (Home)  
( ) N/A (Office) Ext. \_\_\_\_\_  
Fax number: ( ) N/A  
E-mail address: 935 Pennsylvania Avenue, NW  
Washington DC 20535-0001

**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**

Page 3 of 7

12. Subject's Supervisor's Name: Attorney General Loretta Lynch

13. Subject's Supervisor's Contact information:

Telephone number(s): (202) 514-2000 (Home)  
( ) N/A (Office) Ext.

Fax number: ( ) N/A

E-mail address: N/A

14. Does Subject have knowledge of the Hatch Act? (check one): ( ☐ ) Yes  
( ☐ ) No  
( ☒ ) Not sure

15. If you answered Yes to question 14, please explain how Subject knows about the Hatch Act (e.g. agency training, agency's distribution of brochures, flyers, e-mails, etc.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE COMPLETE THE FOLLOWING ONLY IF THE SUBJECT IS A STATE OR LOCAL OR NONPROFIT ORGANIZATION EMPLOYEE. IF NOT, SKIP TO PART 3:**

16. Does Subject's employing agency receive federal funds? (check one): ( ☐ ) Yes  
( ☐ ) No  
( ☒ ) Not sure

17. If you answered Yes to question 16, please provide the following:

a) Nature and source of federal funds \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b) Name of individual (s) at agency responsible for federal funds: \_\_\_\_\_  
\_\_\_\_\_

c) Contact information for individual (s) responsible for federal funds:

Telephone Number (s): ( ) \_\_\_\_\_

Fax Number: ( ) \_\_\_\_\_

E-mail address: \_\_\_\_\_

18. Does the Subject perform duties in connection with federal funds? (check one) ( ☐ ) Yes  
( ☐ ) No  
( ☒ ) Not sure

19. If you answered yes to question 18, please provide the type of duties Subject performs in connection with Federal funds: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**PART 3: DETAILS OF COMPLAINT**

20. What are the actions that you are reporting to OSC? Please attach all supporting documentation to the complaint form. **IF YOU ARE ALLEGING CANDIDACY IN A PARTISAN ELECTION, PLEASE PROVIDE THE DATE OF THE ELECTION AND/OR THE DATE NOMINATING PETITIONS ARE DUE. IF YOU ARE ALLEGING POLITICAL ACTIVITY WHILE ON DUTY OR IN A FEDERAL BUILDING FOR FEDERAL EMPLOYEES, PLEASE PROVIDE THE TIME AND/OR PLACE THE ACTIVITY OCCURRED.**

James Comey has violated the Hatch Act through his partisan actions during the presidential election of 2016. The Hatch Act states that a federal employee cannot use political partisanship in the execution of their duties. Yet, James Comey was politically biased in the release of information and Donald Trump to the effect of influencing the presidential election.

Eleven days before the election, Comey announced the Bureau's discovery of Huma Abedin's emails on Anthony Weiner's computer. Comey was eager to announce that Abedin's email might contain additional evidence in the case against Candidate Clinton. Despite having no evidence, and ignoring the advice of his own department, Comey rushed to publicize the potential for finding additional evidence, eleven days before the election.

On the other hand, in the summer before the election, Comey's department began an investigation into Russia's interference in the presidential election and connection between Russian banks and Trump's inner circle. Comey declined to release this information to the public, even as evidence mounted connecting Russia's manipulation of the election and Trump. Why?

This is clearly partisan politics. Comey used his position within the Bureau to besmirch the public image of one candidate, Candidate Clinton, even though there was weak case to indicate any wrong doing. All the while, Comey used his position at the Bureau to protect Candidate Trump despite considerable evidence to support Trump's connection to a foreign power known to be interfering in the election. Comey's choice to release information on Candidate Clinton and not on Candidate Trump is a use of political office to promote one candidate over another, a direct violation of the Hatch Act.

The American People must not be manipulated by our trusted public officials. I insist that the OSC protect the American people from further manipulation and remove James Comey from office.



**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**

Page 5 of 7

**PART 4: CONSENT TO CERTAIN DISCLOSURES OF INFORMATION**

OSC asks everyone who files a complaint alleging a possible prohibited political activity (violation of the Hatch Act) to select one of three Consent Statements shown below. **IF YOU DO NOT SELECT ONE OF THE THREE CONSENT STATEMENTS BELOW, OSC WILL ASSUME THAT YOU HAVE SELECTED CONSENT STATEMENT 1.** Please: (a) select and sign (or check, if filing electronically) one of the Consent Statements below; and (b) keep a copy of the Consent Statement you select (as well as a copy of all documents that you send to OSC) for your own records.

If you initially select a Consent Statement that restricts OSC's use of information, you may later select a less restrictive Consent Statement. If your selection of Consent Statement 2 or 3 prevents OSC from being able to conduct an investigation, an OSC representative will contact you, explain the circumstances, and provide you with an opportunity to select a less restrictive Consent Statement.

You should be aware that the Privacy Act allows information in OSC case files to be used or disclosed for certain purposes, regardless of which Consent Statement you sign. See 5 U.S.C. § 552a(b). Information about certain circumstances under which OSC can use or disclose information under the Privacy Act appears on the next page.

***(Please sign one)***

**Consent Statement 1**

I *consent* to OSC's communication with the pertinent individuals involved in my complaint. I agree to allow OSC to disclose my identity as the complainant, and information from or about me, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

\_\_\_\_\_  
Complainant's Signature for Consent Statement 1

\_\_\_\_\_  
Date Signed

**Consent Statement 2**

I *consent* to OSC's communication with the pertinent individuals involved in my complaint, but I *do not agree* to allow OSC to disclose my identity as the complainant. I agree to allow OSC to disclose only information from or about me, without disclosing my name or other identifying information, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that in some circumstances OSC could not maintain my anonymity while communicating with the pertinent individuals. In such cases, I understand that this request for confidentiality might prevent OSC from taking further action on my complaint. I also understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

**(b) (6), (b) (7)(C)**

\_\_\_\_\_  
Complainant's Signature for Consent Statement 2

12/14/16  
\_\_\_\_\_  
Date Signed

**Consent Statement 3**

I *do not consent* to OSC's communication with the pertinent individuals involved in my complaint. I understand that if OSC decides that it cannot investigate the allegation(s) in my complaint without communicating with these individuals, my lack of consent will probably prevent OSC from taking further action on the complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

\_\_\_\_\_  
Complainant's Signature for Consent Statement 3

\_\_\_\_\_  
Date Signed



**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**

Page 6 of 7

**PART 5: CERTIFICATION AND SIGNATURE**

*I certify that all of the statements made in this complaint (including any continuation pages) are true, complete, and correct to the best of my knowledge and belief. I understand that a false statement or concealment of a material fact is a criminal offense punishable by a fine of up to \$250,000, imprisonment for up to five years, or both. 18 U.S.C. § 1001.*

(b) (6), (b) (7)(C)

Signature

12/14/14  
Date Signed

**PART 6: PRIVACY ACT / PAPERWORK REDUCTION ACT STATEMENTS**

*Routine Uses.* Limited disclosure of information from OSC files is needed to fulfill OSC's investigative, prosecutorial, and related responsibilities. OSC has described 18 routine uses for information in its files in the *Federal Register* (F.R.), at 66 F.R. 36611 (July 12, 2001), and 66 F.R. 51095 (October 5, 2001). A copy of the routine uses is available from OSC upon request. A summary of the routine uses appears below.

OSC may disclose information from its files in the following circumstances:

1. to disclose that an allegation of prohibited personnel practices or other prohibited activity has been filed;
2. to disclose information to the Office of Personnel Management (OPM) as needed for inquiries involving civil service laws, rules or regulations, or to obtain an advisory opinion;
3. to disclose information about allegations or complaints of discrimination to entities concerned with enforcement of antidiscrimination laws;
4. to the MSPB or the President, when seeking disciplinary action;
5. to the involved agency, MSPB, OPM, or the President when OSC has reason to believe that a prohibited personnel practice has occurred, exists, or is to be taken;
6. to disclose information to Congress in OSC's annual report;
7. to disclose information to third parties as needed to conduct an investigation; obtain an agency investigation and report on information disclosed to OSC's whistleblower disclosure channel; or to give notice of the status or outcome of an investigation;
8. to disclose information as needed to obtain information about hiring or retention of an employee; issuance of a security clearance; conduct of a security or suitability investigation; award of a contract; or issuance of a license, grant, or other benefit;
9. to the Office of Management and Budget (OMB) for certain legislative coordination and clearance purposes;

## COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 7 of 7

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10. to provide information from an individual's record to a congressional office acting pursuant to the individual's request;
11. to furnish information to the National Archives and Records Administration for records management purposes;
12. to produce summary statistics and work force or other studies;
13. to provide information to the Department of Justice as needed for certain litigation purposes;
14. to provide information to courts or adjudicative bodies as needed for certain litigation purposes;
15. to disclose information to the MSPB as needed in special studies authorized by law;
16. for coordination with an agency's Office of Inspector General or comparable entity, to facilitate the coordination and conduct of investigations and review of allegations;
17. to news media or the public in certain circumstances (except when the Special Counsel determines that disclosure in a particular case would be an unwarranted invasion of personal privacy); and
18. to the Department of Labor and others as needed to implement the Uniformed Services Employment and Reemployment Rights Act of 1994, and the Veterans' Employment Opportunities Act of 1998.

If OSC officials believe that disclosure may be appropriate in a situation not covered by one of OSC's routine uses, or one of the 11 other exceptions to the Privacy Act's general prohibition on disclosure, OSC will seek written authorization from the complainant permitting the disclosure.

Purposes, Burdens, and Other Information. An agency may not conduct or sponsor a collection of information, and persons may not be required to respond to a collection of information, unless it: (a) has been approved by OMB; and (b) displays a currently valid OMB control number. The information in this form is collected pursuant to OSC's legal responsibility to investigate: (a) allegations of prohibited political activity (5 U.S.C. § 1216). The information will be reviewed by OSC to determine whether the facts establish its jurisdiction over the subject of the complaint, and whether further investigation and disciplinary action is warranted. The reporting burden for this collection of information is estimated to be an average of 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the form. Please send any comments about this burden estimate, and suggestions for reducing the burden, to the Office of Special Counsel, Legal Counsel and Policy Division, 1730 M Street, N.W. (Suite 218), Washington, DC 20036-4505.



**Marrone, Ana**

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**From:** (b) (6), (b) (7)(C)  
**Sent:** Tuesday, December 27, 2016 9:42 AM  
**To:** HatchAct  
**Subject:** Reporting Hatch Act Violation

Dear Hatch Act Unit of the U. S. Office of Special Counsel;

Please investigate and prosecute the following alleged violation of the Hatch Act involving actions of FBI Director James Comey:

**Alleged Violator and Contact Information:** James Comey, Federal Bureau of Investigation, 935 Pennsylvania Avenue, NW, Washington, D.C. 20535

**Agency and Position:** Director, Federal Bureau of Investigation

**Description of alleged Hatch Act violation:** On October 28, 2016, Comey released a letter to Congress that, as you know, influenced the outcome of the election. Various polls document the timing between the changes in voter approval of candidates and the release of the letter. Furthermore, the warrant for the e-mails suggests any alarm over the existence of the e-mails was premature and concerns were eventually determined to be unfounded. Dir. Comey's actions influenced the outcome of an extremely high-stakes partisan election. Furthermore, his interest in transparency, choosing to release this letter and not possible concerns about the opposing candidate, was so selective as to indicate hyper-partisanship.

While I am not the best informed as to who might make the most informative and least partisan witnesses, I direct you to complaints filed by (b) (6), (b) (7)(C) and Eric Holder and any witnesses mentioned in their submission.

I do not need to inform you that public trust of the FBI and in our Federal government, is at stake. Has partisanship irrevocably consumed our entire federal government, or is there still hope for our democracy? The answer lies in your response to this matter.

Thank you.

(b) (6), (b) (7)(C)

**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)**

AM 9:43

**INFORMATION ABOUT FILING A COMPLAINT WITH OSC**

This complaint form can be used to file complaints alleging violations of the Hatch Act by federal, District of Columbia, state and local and nonprofit organization employees. While it is not required that this complaint form be used, use of this form will be helpful to OSC in expediting the processing and in investigating of complaints. Please complete the information requested below as fully and accurately as possible.

**SEND COMPLETED COMPLAINT FORMS TO:**

**By Mail:** Hatch Act Unit  
Office of Special Counsel  
1730 M Street, N.W. (Suite 218)  
Washington, DC 20036-4505

**By Fax:** (202) 254-3700

**Electronically:** [WWW.OSC.GOV](http://WWW.OSC.GOV) (AT "FILE COMPLAINTS ONLINE")

**PLEASE KEEP A COPY OF YOUR COMPLAINT, ANY SUPPORTING DOCUMENTATION, AND ANY ADDITIONAL ALLEGATIONS SENT IN WRITING TO OSC NOW, OR AT ANY TIME WHILE YOUR COMPLAINT IS PENDING.**  
REPRODUCTION CHARGES UNDER THE FREEDOM OF INFORMATION ACT MAY APPLY TO ANY REQUEST YOU MAKE FOR COPIES OF MATERIALS THAT YOU PROVIDED TO OSC.

**INFORMATION ABOUT THE HATCH ACT**

The Hatch Act prohibits federal, District of Columbia, some state and local and nonprofit organization employees from engaging in certain types of political activities. See 5 U.S.C. §§ 7321- 7326 and 5 U.S.C. §§ 1501-1508.

**Federal Employees are generally prohibited from:**

1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election.
2. Soliciting, accepting, or receiving political contributions (with some exceptions).
3. Running for nomination or as candidates for partisan political office.
4. Soliciting or discouraging the participation in political activity of any person who has business before their employing agency.
5. Engaging in political activity while on duty, in any room or building occupied in the discharge of official duties, while wearing a uniform or official insignia, or while using a vehicle owned or leased by the United States government.

**State and Local Employees are prohibited from\*:**

1. Using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
2. Coercing, attempting to coerce, commanding, or advising a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
3. Being a candidate for partisan political office.

\* Employees of some private, nonprofit organizations are subject to the same restrictions on political activity that apply to covered state and local employees.

VISIT [WWW.OSC.GOV](http://WWW.OSC.GOV)  
FOR MORE INFORMATION ABOUT THE HATCH ACT



**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**

Page 2 of 7

U.S. OFFICE OF SPECIAL COUNSEL

(202) 254-3650 / (800) 854-2824

**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)**

(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate.  
(If more space is needed, use Continuation Sheet at page 4.)

**PART 1: COMPLAINANT'S INFORMATION**

1. Name of person filing complaint: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)
2. Agency name (if referring complaint): \_\_\_\_\_
3. Agency address (if referring complaint): \_\_\_\_\_
4. Home or mailing address (if filing complaint): \_\_\_\_\_  
(b) (6), (b) (7)(C)
5. Contact information: Telephone number(s): (b) (6), (b) (7)(C) (Home)  
( ) (Office) Ext. \_\_\_\_\_  
Fax number: ( ) \_\_\_\_\_  
E-mail address: (b) (6), (b) (7)(C)
6. How did you first become aware that you could file a complaint with OSC?
- |                                    |                             |                  |                |
|------------------------------------|-----------------------------|------------------|----------------|
| ( ) OSC Web site                   | ( ) OSC speaker             | ( ) OSC brochure | ( ) OSC poster |
| (✓) news story                     | ( ) agency personnel office | ( ) union        | ( ) co-worker  |
| ( ) other (please describe): _____ |                             |                  |                |
- Date (approximate): 12/27/16

**PART 2: SUBJECT'S INFORMATION**

7. Name of person who violated the Hatch Act ("Subject"): James Comey
8. Agency: Federal Bureau of Investigation
9. Position/Title: Director
10. Federal, District of Columbia (DC), State/Local or Nonprofit employee (check one):  
(☒) Federal employee  
(☐) DC employee  
(☐) State or Local employee  
(☐) Nonprofit organization employee
11. Contact information: Telephone number(s): ( ) \_\_\_\_\_ (Home)  
( ) \_\_\_\_\_ (Office) Ext. \_\_\_\_\_  
Fax number: ( ) \_\_\_\_\_  
E-mail address: \_\_\_\_\_

**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**

Page 3 of 7

12. Subject's Supervisor's Name: \_\_\_\_\_

13. Subject's Supervisor's Contact information:

Telephone number(s): (    ) \_\_\_\_\_ (Home)  
(    ) \_\_\_\_\_ (Office) Ext. \_\_\_\_\_

Fax number: (    ) \_\_\_\_\_

E-mail address: \_\_\_\_\_

14. Does Subject have knowledge of the Hatch Act? (check one): ( ☒ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

15. If you answered Yes to question 14, please explain how Subject knows about the Hatch Act (e.g. agency training, agency's distribution of brochures, flyers, e-mails, etc.) IF THE DIRECTOR of the FBI is NOT AWARE of the HATCH ACT, he has NO BUSINESS holding that office.  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE COMPLETE THE FOLLOWING ONLY IF THE SUBJECT IS A STATE OR LOCAL OR NONPROFIT ORGANIZATION EMPLOYEE. IF NOT, SKIP TO PART 3:**

16. Does Subject's employing agency receive federal funds? (check one): ( ☐ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

17. If you answered Yes to question 16, please provide the following:

a) Nature and source of federal funds \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b) Name of individual (s) at agency responsible for federal funds: \_\_\_\_\_  
\_\_\_\_\_

c) Contact information for individual (s) responsible for federal funds:

Telephone Number (s): (    ) \_\_\_\_\_

Fax Number: (    ) \_\_\_\_\_

E-mail address: \_\_\_\_\_

18. Does the Subject perform duties in connection with federal funds? (check one) ( ☐ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

19. If you answered yes to question 18, please provide the type of duties Subject performs in connection with Federal funds:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 4 of 7

PART 3: DETAILS OF COMPLAINT

20. What are the actions that you are reporting to OSC? Please attach all supporting documentation to the complaint form. **IF YOU ARE ALLEGING CANDIDACY IN A PARTISAN ELECTION, PLEASE PROVIDE THE DATE OF THE ELECTION AND/OR THE DATE NOMINATING PETITIONS ARE DUE. IF YOU ARE ALLEGING POLITICAL ACTIVITY WHILE ON DUTY OR IN A FEDERAL BUILDING FOR FEDERAL EMPLOYEES, PLEASE PROVIDE THE TIME AND/OR PLACE THE ACTIVITY OCCURRED.**

James Comey WILFULLY and INTENTIONALLY used his official authority and influence for the purpose of interfering with the result of the election and in so doing, violated the Hatch Act.

James Comey's letter of October 28, 2016 was baseless and created distrust among voters when previous FBI investigations cleared Hillary Clinton of any possible wrongdoing when emails of Dick Cheney, the Bush Administration have all gone unchecked with even more deleted emails.

James Comey's interference with the Election of November 2016 must be investigated.

**COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)**

Page 5 of 7

**PART 4: CONSENT TO CERTAIN DISCLOSURES OF INFORMATION**

OSC asks everyone who files a complaint alleging a possible prohibited political activity (violation of the Hatch Act) to select one of three Consent Statements shown below. **IF YOU DO NOT SELECT ONE OF THE THREE CONSENT STATEMENTS BELOW, OSC WILL ASSUME THAT YOU HAVE SELECTED CONSENT STATEMENT 1.** Please: (a) select and sign (or check, if filing electronically) one of the Consent Statements below; and (b) keep a copy of the Consent Statement you select (as well as a copy of all documents that you send to OSC) for your own records.

If you initially select a Consent Statement that restricts OSC's use of information, you may later select a less restrictive Consent Statement. If your selection of Consent Statement 2 or 3 prevents OSC from being able to conduct an investigation, an OSC representative will contact you, explain the circumstances, and provide you with an opportunity to select a less restrictive Consent Statement.

You should be aware that the Privacy Act allows information in OSC case files to be used or disclosed for certain purposes, regardless of which Consent Statement you sign. See 5 U.S.C. § 552a(b). Information about certain circumstances under which OSC can use or disclose information under the Privacy Act appears on the next page.

*(Please sign one)*

**Consent Statement 1**

I *consent* to OSC's communication with the pertinent individuals involved in my complaint. I *agree* to allow OSC to disclose my identity as the complainant, and information from or about me, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

**(b) (6), (b) (7)(C)**

Complainant's Signature for Consent Statement 1

12/28/16

Date Signed

**Consent Statement 2**

I *consent* to OSC's communication with the pertinent individuals involved in my complaint, but I *do not agree* to allow OSC to disclose my identity as the complainant. I agree to allow OSC to disclose only information from or about me, without disclosing my name or other identifying information, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that in some circumstances OSC could not maintain my anonymity while communicating with the pertinent individuals. In such cases, I understand that this request for confidentiality might prevent OSC from taking further action on my complaint. I also understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 2

Date Signed

**Consent Statement 3**

I *do not consent* to OSC's communication with the pertinent individuals involved in my complaint. I understand that if OSC decides that it cannot investigate the allegation(s) in my complaint without communicating with these individuals, my lack of consent will probably prevent OSC from taking further action on the complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 3

Date Signed



**PART 5: CERTIFICATION AND SIGNATURE**

*I certify that all of the statements made in this complaint (including any continuation pages) are true, complete, and correct to the best of my knowledge and belief. I understand that a false statement or concealment of a material fact is a criminal offense punishable by a fine of up to \$250,000, imprisonment for up to five years, or both. 18 U.S.C. § 1001.*

(b) (6), (b) (7)(C)

12/28/16

Signature

Date Signed

**PART 6: PRIVACY ACT / PAPERWORK REDUCTION ACT STATEMENTS**

Routine Uses. Limited disclosure of information from OSC files is needed to fulfill OSC's investigative, prosecutorial, and related responsibilities. OSC has described 18 routine uses for information in its files in the *Federal Register* (F.R.), at 66 F.R. 36611 (July 12, 2001), and 66 F.R. 51095 (October 5, 2001). A copy of the routine uses is available from OSC upon request. A summary of the routine uses appears below.

OSC may disclose information from its files in the following circumstances:

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2. to disclose information to the Office of Personnel Management (OPM) as needed for inquiries involving civil service laws, rules or regulations, or to obtain an advisory opinion;
3. to disclose information about allegations or complaints of discrimination to entities concerned with enforcement of antidiscrimination laws;
4. to the MSPB or the President, when seeking disciplinary action;
5. to the involved agency, MSPB, OPM, or the President when OSC has reason to believe that a prohibited personnel practice has occurred, exists, or is to be taken;
6. to disclose information to Congress in OSC's annual report;
7. to disclose information to third parties as needed to conduct an investigation; obtain an agency investigation and report on information disclosed to OSC's whistleblower disclosure channel; or to give notice of the status or outcome of an investigation;
8. to disclose information as needed to obtain information about hiring or retention of an employee; issuance of a security clearance; conduct of a security or suitability investigation; award of a contract; or issuance of a license, grant, or other benefit;
9. to the Office of Management and Budget (OMB) for certain legislative coordination and clearance purposes;

## COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 7 of 7

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10. to provide information from an individual's record to a congressional office acting pursuant to the individual's request;
11. to furnish information to the National Archives and Records Administration for records management purposes;
12. to produce summary statistics and work force or other studies;
13. to provide information to the Department of Justice as needed for certain litigation purposes;
14. to provide information to courts or adjudicative bodies as needed for certain litigation purposes;
15. to disclose information to the MSPB as needed in special studies authorized by law;
16. for coordination with an agency's Office of Inspector General or comparable entity, to facilitate the coordination and conduct of investigations and review of allegations;
17. to news media or the public in certain circumstances (except when the Special Counsel determines that disclosure in a particular case would be an unwarranted invasion of personal privacy); and
18. to the Department of Labor and others as needed to implement the Uniformed Services Employment and Reemployment Rights Act of 1994, and the Veterans' Employment Opportunities Act of 1998.

If OSC officials believe that disclosure may be appropriate in a situation not covered by one of OSC's routine uses, or one of the 11 other exceptions to the Privacy Act's general prohibition on disclosure, OSC will seek written authorization from the complainant permitting the disclosure.

Purposes, Burdens, and Other Information. An agency may not conduct or sponsor a collection of information, and persons may not be required to respond to a collection of information, unless it: (a) has been approved by OMB; and (b) displays a currently valid OMB control number. The information in this form is collected pursuant to OSC's legal responsibility to investigate: (a) allegations of prohibited political activity (5 U.S.C. § 1216). The information will be reviewed by OSC to determine whether the facts establish its jurisdiction over the subject of the complaint, and whether further investigation and disciplinary action is warranted. The reporting burden for this collection of information is estimated to be an average of 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the form. Please send any comments about this burden estimate, and suggestions for reducing the burden, to the Office of Special Counsel, Legal Counsel and Policy Division, 1730 M Street, N.W. (Suite 218), Washington, DC 20036-4505.



COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

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2017 JAN 13 AM 9:39

U.S. OFFICE OF SPECIAL COUNSEL

(202) 254-3650 / (800) 854-2824

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY  
(VIOLATION OF THE HATCH ACT)

(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate.  
(If more space is needed, use Continuation Sheet at page 4.)

PART 1: COMPLAINANT'S INFORMATION

1. Name of person filing complaint: (b) (6), (b) (7)(C)
- (b) (6), (b) (7)(C)
2. Agency name (if referring complaint):
3. Agency address (if referring complaint): (b) (6), (b) (7)(C)
4. Home or mailing address (if filing complaint): (b) (6), (b) (7)(C)
5. Contact information: Telephone number(s): (b) (6), (b) (7)(C) (Home)  
(b) (6), (b) (7)(C) (Office) Ext. \_\_\_\_\_  
Fax number: (b) (6), (b) (7)(C)  
E-mail address: (b) (6), (b) (7)(C)
6. How did you first become aware that you could file a complaint with OSC?  
( ) OSC Web site ( ) OSC speaker ( ) OSC brochure ( ) OSC poster  
( ) news story ( ) agency personnel office ( ) union ( ) co-worker  
(X) other (please describe): social media  
Date (approximate): Jan. 5, 2017 (b) (6), (b) (7)(C)

PART 2: SUBJECT'S INFORMATION

7. Name of person who violated the Hatch Act ("Subject"): James Comey
8. Agency: FBI
9. Position/Title: Director of the Federal Bureau of Investigation
10. Federal, District of Columbia (DC), State/Local or Nonprofit employee (check one):  
( ) Federal employee  
( ) DC employee  
( ) State or Local employee  
( ) Nonprofit organization employee
11. Contact information: Telephone number(s): ( ) unk. (Home)  
( ) unk. (Office) Ext. \_\_\_\_\_  
Fax number: ( ) unk.  
E-mail address: unk.

COMPLAINT OF POSSIBLE PROHIBITED POLITICAL ACTIVITY (HATCH ACT VIOLATION)

Page 3 of 7

12. Subject's Supervisor's Name: Director of National Intelligence, James R. Clapper

13. Subject's Supervisor's Contact information:

Telephone number(s): ( ) unk (Home)  
( ) unk (Office) Ext. unk  
Fax number: ( ) unk  
E-mail address: unk

14. Does Subject have knowledge of the Hatch Act? (check one): ( ☒ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

15. If you answered Yes to question 14, please explain how Subject knows about the Hatch Act (e.g. agency training, agency's distribution of brochures, flyers, e-mails, etc.) Memo Dep. Atty Gen. Sally Yates (March 10, 2016) defining political activity prohibited under Hatch Act; making clear memo applies to ALL Justice Dept. Employees, including J. Comey

**PLEASE COMPLETE THE FOLLOWING ONLY IF THE SUBJECT IS A STATE OR LOCAL OR NONPROFIT ORGANIZATION EMPLOYEE. IF NOT, SKIP TO PART 3:**

16. Does Subject's employing agency receive federal funds? (check one): ( ☐ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

17. If you answered Yes to question 16, please provide the following:

a) Nature and source of federal funds \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
b) Name of individual (s) at agency responsible for federal funds: \_\_\_\_\_  
\_\_\_\_\_  
c) Contact information for individual (s) responsible for federal funds:  
Telephone Number (s): ( ) \_\_\_\_\_  
Fax Number: ( ) \_\_\_\_\_  
E-mail address: \_\_\_\_\_

18. Does the Subject perform duties in connection with federal funds? (check one) ( ☐ ) Yes  
( ☐ ) No  
( ☐ ) Not sure

19. If you answered yes to question 18, please provide the type of duties Subject performs in connection with Federal funds:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



PART 3: DETAILS OF COMPLAINT

20. What are the actions that you are reporting to OSC? Please attach all supporting documentation to the complaint form. IF YOU ARE ALLEGING CANDIDACY IN A PARTISAN ELECTION, PLEASE PROVIDE THE DATE OF THE ELECTION AND/OR THE DATE NOMINATING PETITIONS ARE DUE. IF YOU ARE ALLEGING POLITICAL ACTIVITY WHILE ON DUTY OR IN A FEDERAL BUILDING FOR FEDERAL EMPLOYEES, PLEASE PROVIDE THE TIME AND/OR PLACE THE ACTIVITY OCCURRED.

Oct. 28 - 2016, prior to Presidential Election, J. Comey sent letter to Congress announcing FBI would take steps to review emails appearing to be pertinent to investigation of Sen. Clinton's email server.

Against advice from Justice Dept J. Comey wrote the letter "to supplement his previous testimony."

Although J. Comey had sent a memo to staff saying, "in a brief letter & in the middle of an election season, there is significant risk of being misunderstood." — he sent the letter and it received immediate & relentless media coverage, and is likely to have influenced the election.

J. Comey broke a long-standing unofficial policy ~~of~~ barring publicizing investigative actions relevant to candidates inside of 30 days of an election by doing this.

The meritless warrant <sup>is</sup> seems to be a partisan Act, in that it seems to reflect that any email sent by Sen. Clinton from a private server is probably evidence of a crime.

While J. Comey had knowledge of other investigation surrounding Sen. Clinton's opponents, he did not bring them to light — instead he chose to address only the investigation related to Sen. Clinton.

This bias, exposing 1 investigation of the Democratic candidate, yet not discussing an investigation relating to the Republican candidate, shows BIAS.

These PARTISAN actions are the reasons for this complaint. The HATCH Act forbids these biased, partisan actions.



#### PART 4: CONSENT TO CERTAIN DISCLOSURES OF INFORMATION

OSC asks everyone who files a complaint alleging a possible prohibited political activity (violation of the Hatch Act) to select one of three Consent Statements shown below. **IF YOU DO NOT SELECT ONE OF THE THREE CONSENT STATEMENTS BELOW, OSC WILL ASSUME THAT YOU HAVE SELECTED CONSENT STATEMENT 1.** Please: (a) select and sign (or check, if filing electronically) one of the Consent Statements below; and (b) keep a copy of the Consent Statement you select (as well as a copy of all documents that you send to OSC) for your own records.

If you initially select a Consent Statement that restricts OSC's use of information, you may later select a less restrictive Consent Statement. If your selection of Consent Statement 2 or 3 prevents OSC from being able to conduct an investigation, an OSC representative will contact you, explain the circumstances, and provide you with an opportunity to select a less restrictive Consent Statement.

You should be aware that the Privacy Act allows information in OSC case files to be used or disclosed for certain purposes, regardless of which Consent Statement you sign. See 5 U.S.C. § 552a(b). Information about certain circumstances under which OSC can use or disclose information under the Privacy Act appears on the next page.

*(Please sign one)*

##### **Consent Statement 1**

I *consent* to OSC's communication with the pertinent individuals involved in my complaint. I *agree* to allow OSC to disclose my identity as the complainant, and information from or about me, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 1

Date Signed

##### **Consent Statement 2**

I *consent* to OSC's communication with the pertinent individuals involved in my complaint, but I *do not agree* to allow OSC to disclose my identity as the complainant. I agree to allow OSC to disclose only information from or about me, without disclosing my name or other identifying information, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint. I understand that in some circumstances OSC could not maintain my anonymity while communicating with the pertinent individuals. In such cases, I understand that this request for confidentiality might prevent OSC from taking further action on my complaint. I also understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when circumstances summarized in Part 5, below).

(b) (6), (b) (7)(C)

Complainant's Signature for Consent Statement 2

Date Signed

Jan. 5, 2016

##### **Consent Statement 3**

I *do not consent* to OSC's communication with the pertinent individuals involved in my complaint. I understand that if OSC decides that it cannot investigate the allegation(s) in my complaint without communicating with these individuals, my lack of consent will probably prevent OSC from taking further action on the complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 3


Date Signed



**PART 5: CERTIFICATION AND SIGNATURE**

*I certify that all of the statements made in this complaint (including any continuation pages) are true, complete, and correct to the best of my knowledge and belief. I understand that a false statement or concealment of a material fact is a criminal offense punishable by a fine of up to \$250,000, imprisonment*

(b) (6), (b) (7)(C)

 5, 2017  
Date Signed

(b) (6), (b) (7)(C)

**PART 6: PRIVACY ACT / PAPERWORK REDUCTION ACT STATEMENTS**

Routine Uses. Limited disclosure of information from OSC files is needed to fulfill OSC's investigative, prosecutorial, and related responsibilities. OSC has described 18 routine uses for information in its files in the *Federal Register* (F.R.), at 66 F.R. 36611 (July 12, 2001), and 66 F.R. 51095 (October 5, 2001). A copy of the routine uses is available from OSC upon request. A summary of the routine uses appears below.

OSC may disclose information from its files in the following circumstances:

1. to disclose that an allegation of prohibited personnel practices or other prohibited activity has been filed;
2. to disclose information to the Office of Personnel Management (OPM) as needed for inquiries involving civil service laws, rules or regulations, or to obtain an advisory opinion;
3. to disclose information about allegations or complaints of discrimination to entities concerned with enforcement of antidiscrimination laws;
4. to the MSPB or the President, when seeking disciplinary action;
5. to the involved agency, MSPB, OPM, or the President when OSC has reason to believe that a prohibited personnel practice has occurred, exists, or is to be taken;
6. to disclose information to Congress in OSC's annual report;
7. to disclose information to third parties as needed to conduct an investigation; obtain an agency investigation and report on information disclosed to OSC's whistleblower disclosure channel; or to give notice of the status or outcome of an investigation;
8. to disclose information as needed to obtain information about hiring or retention of an employee; issuance of a security clearance; conduct of a security or suitability investigation; award of a contract; or issuance of a license, grant, or other benefit;
9. to the Office of Management and Budget (OMB) for certain legislative coordination and clearance purposes;

**Marrone, Ana**

---

**From:** HatchAct  
**Sent:** Tuesday, November 15, 2016 7:16 PM  
**To:** (b) (6), (b) (7)(C)  
**Subject:** RE: Complaint

Dear (b) (6), (b) (7)(C)

This serves to notify you that we are accepting the withdrawal of your complaint.

Kind regards,

Ana Galindo-Marrone  
Chief, Hatch Act Unit  
U.S. Office of Special Counsel  
202-254-3674

---

**From:** (b) (6), (b) (7)(C) [mailto:(b) (6), (b) (7)(C)]  
**Sent:** Tuesday, November 15, 2016 7:06 PM  
**To:** HatchAct; (b) (6), (b) (7)(C)  
**Subject:** RE: Complaint

Yes I am.

---

**From:** HatchAct [mailto:HatchAct@osc.gov]  
**Sent:** Tuesday, November 15, 2016 5:45 PM  
**To:** (b) (6), (b) (7)(C)  
**Subject:** RE: Complaint

Dear (b) (6), (b) (7)(C)

Are you withdrawing the complaint you filed alleging that FBI Director Comey violated the Hatch Act?

Kind regards,

Ana Galindo-Marrone  
Chief, Hatch Act Unit  
U.S. Office of Special Counsel  
202-254-3674

---

**From:** (b) (6), (b) (7)(C) [mailto:(b) (6), (b) (7)(C)]  
**Sent:** Friday, November 11, 2016 11:13 AM  
**To:** HatchAct  
**Subject:** RE: Complaint

Dear Ms. Galindo-Marrone,



Please permit this email as a dismissal of my Complaint referenced in the chain below. Please confirm. Thanks.

(b) (6), (b) (7)(C)

---

**From:** HatchAct [mailto:HatchAct@osc.gov]

**Sent:** Thursday, November 3, 2016 5:30 PM

**To:** (b) (6), (b) (7)(C)

**Subject:** RE: Complaint

We received your Hatch Act complaint and will open a case file to address this matter. After completing the investigation we will notify you of the outcome in writing. Should you have any questions please call me at the number below.

Kind regards,

Ana Galindo-Marrone  
Chief, Hatch Act Unit  
U.S. Office of Special Counsel  
202-254-3674

---

**From:** (b) (6), (b) (7)(C) [mailto:(b) (6), (b) (7)(C)]

**Sent:** Wednesday, November 02, 2016 10:05 AM

**To:** HatchAct

**Subject:** Complaint

Dear Ladies and Gentlemen:

Attached hereto is a printed and scanned Complaint against James B. Comey for violation of the Hatch Act. This was also faxed to 202.254.3700 yesterday.

Thank you in advance for processing and investigating this Complaint. Please acknowledge your receipt of this email.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



October 29, 2016

To the Office of Special Counsel and the Office of Government Ethics:

I write to request investigation of apparent violations of the Hatch Act by the Director and perhaps other officials in the Federal Bureau of Investigation (FBI) in connection with highly unusual public statements while voting is underway about the status of an investigation concerning a political candidate, former Secretary of State Hillary Clinton. I also request that the Office of Government Ethics ask the FBI to conduct an internal investigation of whether there has been misuse of official position, 5 CFR 2635.702. Violations of the Hatch Act and of this ethics rule are not permissible in any circumstances, including an executive branch official acting under pressure from persons such as the president and politically motivated members of Congress. Such violations are of even greater concern when the executive branch agency is the FBI.



Some facts are public with respect to the FBI communication this week with certain members of Congress concerning the investigation of emails sent and received by Secretary Clinton and certain of her aides. Those facts will not be recited here, and I am not personally familiar with any nonpublic facts concerning this matter.

I do not know whether the Director of the FBI personally wanted to influence the outcome of an election, although the content and wording of this week's letter is of concern. I am also concerned about the highly unusual public statements he made expressing his personal opinion about Secretary Clinton's actions, when he announced this past summer that the FBI was concluding its investigation of her email. But even absent a specific intent – or desire – of an official to influence an election, I believe that the Hatch Act and ethics rule are violated if it is obvious that the official's actions could influence the election, there is not another good reason for taking those actions, and the official is acting under pressure from persons who obviously do want to influence the election. To this last point, the fact that such other persons exerting pressure on the official, including members of Congress or the president or political operatives, are not subject to the Hatch Act or the OGE ethics rule, is irrelevant. The official still can violate the Hatch Act and the ethics rule in this situation.

Absent extraordinary circumstances justifying it, a public communication about a pending FBI investigation involving a

candidate for public office that is made on the eve of an election or, as in this case, while voting is in progress, is very likely to be a violation of the Hatch Act. It is also a misuse of official position. The fact that politically motivated members of Congress want the communication to be made publicly only enhances the seriousness of the violation; it is not an excuse.

This is clearly distinguishable from politically motivated policy decisions in particular matters, such as decisions to spend government money to create jobs in an election year. Such decisions, even if they influence elections, are not generally violations of the Hatch Act. Official actions specifically intended to communicate publicly a connection between policy decisions and a candidate – such as a Department of Transportation announcement of a major project in a Congressman's district on the eve of an election, at a ceremony attended by the Congressman and Department officials – would be highly problematic and border on violations of the Act depending upon proximity to the election. Decisions about particular party matters including investigations and litigation, in which candidates are the particular parties, are even more problematic. These particular party matters must be handled with considerable care in order not to violate the Hatch Act or the ethics rule. That clearly was not done here.

Director Comey's actions in communicating about the investigation the way he did, appear to put him and others at the FBI in a position of violating the Hatch Act. Various



members of Congress may be complicit in these actions, but the actions are still those of officials at the FBI. Unless remedial action is taken, there is likely to be a continuing violation of the Hatch Act up through Tuesday November 8.

The same is true with respect to the OGE ethics rule prohibiting misuse of official position. The misuse of position might be at the behest of or because of pressure exerted by members of Congress who are using their office for partisan political gain, but it is still a misuse of position at the FBI.

This is no trivial matter -- the Department of Justice reports to the President. Both the Attorney General and the FBI Director are appointed by the President. They also report to Congress in its oversight function. We cannot allow these officials, absent a compelling reason, to publicize pending investigations concerning candidates of either party while an election is underway. That is an abuse of power. Although there is no evidence of abuse of presidential power here, this precedent will invite such abuse in the future. Your offices should take appropriate action without delay.

Very truly yours,

/s/

**(b) (6), (b) (7)(C)**



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-254-3600

May 17, 2017

The Honorable James Comey  
c/o Jay Macklin  
General Counsel  
Executive Office for U.S. Attorneys  
U.S. Department of Justice  
600 E Street, N.W., Suite 5100  
Washington, DC 20530

Re: OSC File No. HA-17-0515

Dear Mr. Comey:

As you know, the U.S. Office of Special Counsel (OSC) has been investigating allegations that you violated the Hatch Act when you made public statements and other communications about the Federal Bureau of Investigation's (FBI) investigation into former Secretary Hillary Clinton's use of a personal email server. However, you are no longer employed as Director of the FBI. Accordingly, in conformance with OSC's policy not to continue investigations once an employee leaves federal service, OSC will close its file in this matter without further action. Please note that should you again be employed in the executive branch of the federal government, OSC may reopen the matter.

Sincerely,

A handwritten signature in black ink that reads "Erica S. Hamrick". The signature is written in a cursive, flowing style.

Erica S. Hamrick  
Deputy Chief  
Hatch Act Unit





U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-254-3600

May 17, 2017

(b) (6), (b) (7)(C)

Re: OSC File No. HA-17-0515

Dear (b) (6), (b) (7)(C)

This letter is in response to the complaint you filed with the U.S. Office of Special Counsel (OSC), in which you alleged that then-Federal Bureau of Investigations (FBI) Director James Comey violated the Hatch Act when he made public statements and other communications about the FBI's investigation into former Secretary Hillary Clinton's use of a personal email server. As you likely know, Mr. Comey is no longer employed with the federal government. Accordingly, in conformance with OSC's policy not to continue investigations once an employee leaves federal service, OSC will close its file in this matter without further action. Should Mr. Comey again be employed in the executive branch of the federal government, OSC may reopen the matter.

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Deputy Chief  
Hatch Act Unit





U.S. OFFICE OF SPECIAL COUNSEL  
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202-254-3600

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