

# Are San Francisco FBI Bosses Covering Up Pelosi And Feinstein Crimes?

Mon, 20 Mar 2023 09:58:36, swmof88, [post\_tag: are-san-francisco-fbi-bosses-covering-up-pelosi-and-feinstein-crimes, category: news]

## Fear, burnout and insubordination: Insiders spill details about life at the highest levels of FBI

A discrimination case has pulled back the curtain on the tense atmosphere at the bureau's legal office.



The FBI's general counsel office has been mired in a lawsuit centered on claims of gender discrimination within the office. | Andrew Harnik/AP Photo

By [JOSH GERSTEIN](#) and [KYLE CHENEY](#)

•

A gender discrimination trial in Washington, D.C., shined a harsh spotlight on one of the most important legal offices in the U.S. government, portraying it as a hotbed of dysfunction, turf wars, mismanagement and paranoia.

The lawsuit, which came to a head earlier this month in federal court in the nation's capital, centered on claims of gender discrimination in the FBI's general counsel's office, where some of the most powerful attorneys in the country are charged with helping safeguard Americans from terrorism, cyber threats, organized crime and corruption.

A federal jury ultimately sided with the FBI, but not before a parade of witnesses testified to startling revelations about the bureau, exposing dysfunction and management woes that at times have been exploited by the bureau's detractors — most notably amid Donald Trump's crusade against investigations into his activities.

The trial drew little notice inside the federal courthouse in Washington, D.C., where numerous high-profile Jan. 6 defendants were simultaneously standing trial, and grand juries probing potential crimes by Trump and his allies remain active. But the proceedings offered a peek inside the secretive confines of the FBI — describing degrees of dysfunction that are rarely aired, particularly by the FBI insiders themselves.

The list of trial witnesses included Jim Baker, who testified that when he took over as FBI general counsel in 2014, his staff of about 200 lawyers were burned out, locked in bureaucratic turf battles and wracked by fear of their own colleagues. Baker said that in the early part of his tenure, some employees were so afraid to raise concerns in front of others that they "frequently" slipped anonymous notes under his door overnight — typewritten to conceal handwriting.

"People were so afraid to be seen talking to me," Baker said. "They were afraid of some of the leadership that was still in the office."



Jim Baker (pictured) took the job of FBI general counsel, despite James Comey billing it as “the worst job in the FBI.” | Francis Chung/POLITICO

Among the other revelations unearthed during the trial:

- A senior lawyer in the office’s national security branch allegedly threw a chair at a meeting, prompting alarm on the part of several people present.
- The Justice Department’s top watchdog, Inspector General Michael Horowitz, threatened to open an obstruction-of-justice investigation into a senior Office of General Counsel lawyer during a standoff over limitations on the IG’s access to FBI files, according to Baker. (Justice Department internal legal advisors [wound up siding with the FBI](#) in the fight, but [Congress overrode them](#).)
- Bureau officials warned of widespread “grade inflation” in annual performance reviews of FBI personnel, which created problems later when those reviews turned out to be inaccurate.
- The lawyer and FBI Special Agent who filed the discrimination case, Marciann Grzadzinski, kept close track of her “KMA” date, referring to her eligibility for retirement. FBI personnel routinely referred to that milestone as their “Kiss My Ass” date, she testified, signaling the moment they no longer had to cater to bureau leadership.
- While defending the FBI in the discrimination suit, a Justice Department attorney referred to the general counsel’s office as “a low-morale organization” at the time Baker took the helm.
- Former FBI Director James Comey managed to entice Baker into taking the post, despite billing it as “the worst job in the FBI,” Baker said.

The trial’s proceedings add vivid new details to a lengthy list of allegations of dysfunction that has at times hobbled the FBI or drawn it into national controversy. The accumulation both

explains Trump's fury at the agency and defies his description of the bureau as a weaponized political force out to topple him. At times, as the new testimony confirms, the bureau couldn't get out of its own way.

An FBI official emphasized that the officials leading the legal office and the broader bureau have all turned over or been replaced since the events discussed in the suit.

"The entire leadership team is different than the one from the alleged case," said the official, who asked not to be identified speaking in connection with the recent litigation. Since 2020, the FBI's legal office has been headed by Jason Jones, a former federal prosecutor who was later a partner at King & Spalding, the Atlanta-based law firm that FBI Director Christopher Wray hails from.

## MOST READ



1.

[Manhattan DA Bragg privately warns of intimidation after Trump calls for protest](#)

2.

[George Santos never filed a key financial disclosure. Enforcement has been lax for years.](#)

3.

[Is the United States Creating a 'Legion of Doom'?](#)

4.

[Abortion on the ballot? Not if these Republican lawmakers can help it.](#)

5.

[If Trump is arrested, protests should be peaceful, GOP contenders say](#)



Trump allies view former federal prosecutor Andrew Weissmann, right, as overly aggressive in his efforts to prosecute Paul Manafort. | Al Drago/The New York Times via Redux Pictures

## The Man at the Center of it All

The FBI is no stranger to criticisms, both internal and external. For years, they've been piling up. A series of withering federal watchdog reports have faulted the bureau for slipshod compliance with everything from national-security surveillance procedures to its own rules limiting contacts with the media. A bipartisan assemblage of members of Congress excoriated the FBI for badly botching complaints of sexual abuse of teenage gymnasts. Trials spearheaded by a special counsel have exposed rivalries within the bureau and loose ends that investigators failed to run down.

Many of those issues have been compounded and thrust into public consciousness by Trump, who spent his entire presidency accusing the bureau of deep-seated political bias for pursuing cases against him or his allies — claims underscored by his abrupt and dramatic firing of Comey in 2017. To this day, Republicans in Congress are pushing charges that the bureau was “weaponized” by Trump’s opponents.

But unlike the blunt attacks by outsiders, which often go rebutted by the bureau, the trial provided a forum for FBI insiders themselves to describe their own views of what has plagued the sprawling crime-fighting and intelligence agency. And their answers exposed fissures among factions of the FBI that have long been viewed in the Trump era as monolithic — divisions that FBI insiders said were more palpable during the handoff of the bureau from Robert Mueller to Comey.

And witnesses named names, with a particular focus on Baker’s predecessor as FBI general counsel, former federal prosecutor Andrew Weissmann.

“This was a significant problem under Andrew Weissmann’s tenure,” Baker testified, describing a lack of communication in the FBI counsel’s office. People “didn’t tell each other what they were doing,” he added, characterizing it as a “silo problem” that “I inherited from Andrew.”

Weissmann is now best known as a top hand to Mueller during the investigation of the Trump campaign’s links to Russia in 2016 — and whether Trump obstructed justice. He led the attention-grabbing criminal cases against former Trump campaign chair Paul Manafort. He has since become a prominent cable news contributor and commentator on Trump’s bevy of current legal woes. But to Baker, Weissmann was the root of a culture of fear and burnout that plagued the FBI general counsel’s office the day Baker arrived.

“I wanted people to tell me when I was wrong, which was the complete opposite from what Andrew did—Andrew Weissmann,” Baker testified. “The agency ... had this tendency not to speak truth to each other in meetings and in other settings.”

At another point, Baker referred to “the negativity that flowed from” Weissmann and said it left some employees in the counsel’s office distrustful of others.

Baker said the communications breakdown extended to the highest levels of the office, with top lawyers not speaking up even if they disagreed with a decision or saw problems it would create.

In [a 2014 e-mail](#) shown at the trial, Baker’s chief of staff Justin Schoolmaster, described the flawed hiring process for one general counsel’s office job as a mess left over from Weissmann’s tenure. “Hopefully this is one of the last remaining pot holes left by the previous regime,” Schoolmaster wrote.

Weissmann declined to comment for this story.



Many Republicans celebrated when Jim Baker was shuffled out of his job in 2017. | Anna Rose Layden/Bloomberg via Getty Images

## Propelled by Trump Probes

While the trial did not expose any signs of personal animus between Weissmann and Baker, the public finger-pointing is likely to come as a surprise to many who have followed the prominent and generally aligned roles the pair went on to play in the Trump-Russia investigation.

Unlike Weissmann, the soft-spoken Baker never became a television persona, but he was involved in key aspects of the early stages of the FBI's effort to assess the Trump campaign's ties to Russia. As the FBI's general counsel, he was involved in deliberations around the bureau's pivotal decision in the earliest days of the Trump administration to send agents to interview new National Security Adviser Michael Flynn.

[Notes from a meeting](#) the day after that interview show Baker gaming out whether Flynn could or should be prosecuted for lying even though the FBI internally predicated the interview on a flimsy, untested statute. "How do you assess Sec. 1001 when you wouldn't prosecute underlying crime?" Baker asked.

Baker also served as a point of contact at the FBI in 2016 for Hillary Clinton's presidential campaign and the Democratic National Committee, as those entities struggled to respond to hacking incidents that the U.S. government has blamed on Russia.

The parallel roles have brought both men fans and detractors. Trump allies view Weissmann, who is ubiquitous on MSNBC, as overly aggressive in his efforts to prosecute Manafort. Republicans, [including Trump](#), celebrated when Baker was shuffled out of his job soon after Wray took the helm of the agency in 2017 following Trump's firing of Comey earlier that year.

Baker was the subject of renewed fascination on the right last year when he [became the star witness](#) at the trial in special counsel John Durham's false-statement case against DNC and Clinton campaign lawyer Michael Sussmann. Baker's testimony was a mixed bag for Durham's team. A jury acquitted Sussmann in a matter of hours.

Baker more recently served as a top attorney for Twitter, only to be [fired by Elon Musk](#) after the Tesla CEO bought the company. Baker [testified to the House Oversight Committee](#) last month, pushing back against claims by Republican lawmakers of politically motivated decision-making within the company.



Many of the employee grievances came at the time when the FBI was tackling some of the most politically explosive probes in its history, like Russia's interference in the 2016 election. | Bill Clark/CQ Roll Call via AP

## No Outward Signs of Bias

Despite producing evidence of discord at the FBI's legal office in the years leading up to the Trump-Russia probe, the recent trial does not fit neatly into Trump's view of a bureau driven by political vendettas. Indeed, there was no discussion of politics at the just-completed discrimination trial.

The various grievances aired seemed primarily personal and professional in nature, but the gripes of the senior officials weren't happening in isolation. They came at a time when the FBI was also tackling some of the most politically explosive probes in its history, which would define its relationship with the Trump White House and land it at the center of the political conversation for the next eight years.

While it wasn't focused on at the trial, two former FBI general counsel's office lawyers — Kevin Clinesmith and Lisa Page — have found themselves in Trump's crosshairs in recent years.

Clinesmith — who was hired in July 2015 for the general counsel's office's national security branch — pleaded guilty in 2020 to altering an email relied on for an application to surveil Carter Page, an energy analyst who was briefly an adviser to Trump's 2016 presidential campaign. Trump claimed Clinesmith acted out of political bias, but the Office of General Counsel attorney said he was simply trying to save himself work when he tweaked the language.

Clinesmith resigned his FBI post as the investigation proceeded, but a judge spared him jail time, sentencing him to one year probation.

Lisa Page joined the FBI in 2012, worked as legal counsel to Deputy Director Andrew McCabe and played a key role in the investigation into Hillary Clinton's use of a private email account while Secretary of State. She also briefly served on Mueller's probe of ties between Trump and Russia. She became the subject of crude taunts from Trump, after it was revealed that she'd had an extramarital affair with another FBI official, Peter Strzok, and sent and received chat messages sharply critical of Trump during the 2016 campaign.

Page and Baker quit on the same day in 2018, as Trump's ire at the FBI continued to boil. She contends her private communications with Strzok were permissible under the law governing political activity by employees. She's also suing the Justice Department for invading her privacy by releasing her direct messages. An inspector general investigation said the messages reflected poor judgment but that there was no indication that Page's politics affected her decisions on the job.



James Comey expressed concerns about the leadership of the FBI counsel's office when Weissmann was in charge. | Chip Somodevilla/Getty Images

## An Attempt to Right the Ship

Both Comey and Baker appear to have identified dysfunction in the general counsel's office as problematic and embarked on an effort to conquer it well before the Trump campaign began.

Comey managed to convince Baker to take the general counsel's post, though Baker said at the trial that Comey expressed concerns about the leadership of the FBI counsel's office by Weissmann, who left the Bureau around the time Mueller's 12-year term as director ended in 2013.

In interviews with POLITICO, FBI veterans said the concerns about the bureau's legal operation fit a broader narrative that Mueller was highly effective at transforming the agency into a pre-emptive, counterterrorism operation in the decade that followed the Sept. 11, 2001 attacks, but that significant management issues had been neglected during that time period.

"Morale and the people part wasn't his strong suit," one former senior FBI official said of Mueller. "Comey felt that he personally was going to be the people's director. ... I think all the senior leaders wanted to emulate that a little bit, reflect that, that clearly was the tone being set," said the ex-official, who asked not to be named, citing the sensitivity of internal FBI deliberations. "Some people were better at it than others."

That effort to make the FBI a more humane, flexible and satisfying place to work extended to Comey's choice of Baker to replace Weissmann in the general counsel's job, former colleagues said.

"Baker's marching orders from Comey were to try and fix a ship that was listing, to treat people well," said one former Justice Department official, who also asked not to be named discussing sensitive personnel issues. "Baker found several problems — morale was low."

Asked about the transition from Weissmann to Baker, the ex-DOJ official said: "Stylistically, they're very, very different people—night and day."

Comey declined to comment for this story.



The FBI Building in Washington, D.C. on Feb. 23, 2023. Jim Baker insisted at the trial that gender played no part in his decision to implement the 2015 shake-up, the first major overhaul in the structure of the FBI legal office. | Francis Chung/POLITICO

## Tumult Once More

How successful Baker was at transforming the FBI's legal operation is still the subject of debate, but he did implement an overhaul in 2015 that rearranged some functions of the roughly-200-lawyer office and reduced the number of deputy general counsels from four to three. It's that move that led to the discrimination suit Grzadzinski filed, after she was pushed out of a

deputy counsel post and then removed from the senior executive service.

An attorney for Grzadzinski, Michael Kator, said the realignment Baker envisioned would have cost as many as five women their posts.

"It was a purge," Kator told jurors in his closing argument. "All the senior women were thrown out ... It was a baked cake. James Baker baked the cake."

U.S. District Court Judge Paul Friedman later admonished Kator that there was no evidence presented at the trial that five women lost their positions, prompting Kator to concede that some aspects of Baker's plan were eventually reworked by his bosses.

In a deposition, Grzadzinski didn't mince words when describing the office environment.

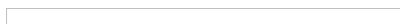
"When we sit around the large table waiting for Jim to come in, everybody, and mainly — well, I can't say everybody, mainly it was women complaining that it was just — it was just horrible to work there," she said.

Baker insisted at the trial that gender played no part in his decision to implement the 2015 shake-up, the first major overhaul in the structure of the FBI legal office since it was founded two decades earlier. Baker's allies, including his former deputy Ernie Babcock, were even more emphatic when asked whether they detected him favoring men over women.

"Absolutely not. He treated everyone equally and it was with dignity and respect," Babcock said.

Justice Department lawyers representing the FBI sought to dispel any notion of sexism by noting that Baker hired a female attorney, Trisha Anderson, to take over the office's vital national security branch. Called by the government, Anderson testified that he "definitely" promoted women in the office.

"I think he's an incredible leader/manager who exemplifies what it means to be a public servant in the truest sense of the word," she said.



Marciann Grzadzinski said that many of the FBI's problems aired during her case remain. "It's still just very dysfunctional," she said. | Andrew Harnik/AP Photo

## **Discrimination Claim Rejected**

The jury of four men and three women deliberated for about two hours before ruling in favor of the government and against Grzadzinski.

Through a spokesperson, the FBI declined to comment on the trial or the claims of dysfunction laid out there in painstaking detail.

Horowitz declined to comment on his alleged threat to open an obstruction probe into a top counsel's office staffer.



Dana Boente, Baker's successor, created a new unit in the national security section. | Pool photo by Andrew Harrer

One aspect of Baker's reorganization was adjusted in 2019 when his successor, Dana Boente, created a new unit in the national security section. [A report Horowitz's office issued last year](#) said the change — assigning some lawyers full-time to broad-based "programmatic" reviews — was intended to "mitigate the challenges" created by aspects of Baker's plan.

But Boente said he does not view the change he ordered as a retreat from Baker's overhaul. "I view it as more of a modification or refinement of Jim's reorganization," Boente told POLITICO.

For her part, Grzadzinski said she doesn't regret her eight-year battle and was glad to have her day in court. "It's such a weight that is gone," she said in an interview last week.

Grzadzinski said when her lawyers interviewed jurors after the trial concluded, they said they believed she was treated unfairly at the FBI but couldn't say it was due to sexism.

"In my own little mind, I prevailed because they listened to me and they believed me," she said. "One gentleman on the jury said, 'They done did her wrong.'"

But Grzadzinski, who retired in 2016 but keeps in touch with former colleagues, said many of the FBI's problems aired during her case remain. "It's still just very dysfunctional," she said.

- FILED UNDER:
- [JUSTICE DEPARTMENT](#),
- [DISCRIMINATION](#),
- [FBI](#),
- [GENDER](#),
- [THE MUELLER REPORT](#)