

The Tangled Web Comey Weaves

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COMMENTARY



Lorenzo Bevilaqua/ABC via AP

“I explained that he could count on me to always tell him the truth. I said I don’t do sneaky things, I don’t leak, I don’t do weasel moves.” So said then-FBI Director James Comey, according to his own memo, to a recently inaugurated President Donald Trump on Jan. 27, 2017, at a private White House dinner.

In early May 2017, Trump fired Comey. Contrary to FBI policy, Comey promptly directed Columbia University Law Professor Daniel Richman to leak to The New York Times the substance of one of the seven memos Comey wrote concerning presumptively confidential private conversations he held as FBI director with the president. In short order, Deputy Attorney General Rod Rosenstein (Attorney General Jeff Sessions recused himself) appointed Robert Mueller, a former colleague of Comey’s with whom he maintains cordial relations, as special counsel. Mueller’s task was to continue the counterintelligence

investigation Comey initiated in July 2016 into possible cooperation between the Russian government and the Trump campaign. Within weeks of Mueller's appointment, Comey testified to Congress that he had hoped his leaks would trigger such a result.

Apparently, Comey did not tell the president the truth when he assured him that he doesn't do sneaky things, he doesn't leak, and he doesn't do weasel moves.

Launched last week with a massive media campaign, Comey's new book, "A Higher Loyalty: Truth, Lies, and Leadership," aims to cement his reputation for impeccable honor and irreproachable integrity. Instead, the book confirms that on matters of great public interest, he doesn't always tell the truth.

Any author can make mistakes. Even the most meticulous sometimes get a date wrong, blur a crucial detail, overlook an important aspect of context. And it is distressingly ordinary for a writer, on behalf of a pet point, to exaggerate small matters and minimize large ones.

But when an author who has ascended to the highest rungs of law enforcement and who purports to lead by example mangles basic facts, distorts legal issues, and omits essential information—and all tending to burnish his self-image as a righteous man—then one must conclude that his loyalty is not to the truth.

Consider Comey's treatment of the Valerie Plame leak investigation—then and now.

In December 2003, Deputy Attorney General Comey (Attorney General John Ashcroft recused himself) appointed Patrick Fitzgerald, his close friend and godfather to one of his children, to serve as special prosecutor to investigate the leak of Valerie Plame's CIA employment. Fitzgerald indicted no one for the leak. Rather, his work culminated in the 2007 conviction of Scooter Libby, chief of staff to Vice President Dick Cheney from 2001 to 2005, for obstruction of justice, making a false statement, and perjury.

Last week, Comey reinserted himself into the Plame investigation controversy. On April 13, President Trump announced his pardon of Libby. Leveraging his authority as a former prosecutor, deputy attorney general, and FBI director, Comey informed the American people on April 17—the day his book became available to the public—that the pardon was an “attack on the rule of law” because the case against Libby was “overwhelming.”

Likewise, Comey stresses in a “Higher Loyalty” that Libby's conviction was entirely justified. At the same time, Comey feels obliged to explain his decision to appoint a special prosecutor to take over the Plame leak investigation because it is now *publicly* known that by the time Comey appointed Fitzgerald in December 2003, the case, which did not involve a crime, had been solved.

Accusations abounded that the Bush White House orchestrated the leak to punish Plame's husband, former ambassador Joseph Wilson, for alleging in a June New York Times op-ed that the president lied about Saddam Hussein's efforts to obtain uranium. But by early autumn 2003, Deputy Secretary of State Richard Armitage had told the FBI that he had inadvertently disclosed Plame's employment to journalist Robert Novak, who reported in a July 14, 2003, Washington Post column that Wilson's wife was "an agency operative on weapons of mass destruction." Moreover, though Comey leaves it out, the CIA had quickly determined that national security was unaffected.

Comey contends that appointment of a special prosecutor was nevertheless necessary to root out "lying in the justice system." But he spins a web of deception to justify his action.

For example, Comey asserts that there was evidence that Libby "spoke to numerous reporters about the CIA employee." This may have been technically true at the time of Fitzgerald's appointment. But one devoted to the truth would clarify that evidence at the trial indicated that the only reporter to whom Libby disclosed Plame was Judith Miller, then of the New York Times. Developments after the trial undermined even this allegation.

Comey claims that NBC News Washington Bureau Chief Tim Russert "had been interviewed by the FBI and said that Libby was lying" about having heard about Plame from Russert. That's false.

In 2003, before Comey appointed Fitzgerald, Libby told the FBI that Russert mentioned Plame in a telephone conversation. Also, before Fitzgerald's appointment, Russert told the FBI that Libby might be right. Many months *after* Fitzgerald's appointment, Russert changed his story and denied that he could have mentioned Plame to Libby.

In addition, Comey states that Fitzgerald uncovered evidence "that Libby had proactively discussed the CIA employee with reporters, at the vice president's request, to 'push back' on stories critical of the administration's basis for invading Iraq." That's false and scurrilous. It reflects an unsupported theory that Fitzgerald floated in closing arguments.

In fact, Libby told investigators that Cheney asked him to counter the false claims circulating in the press that the Bush administration concocted stories about Saddam Hussein's WMD programs. Libby's job was to explain—as was the case—that the CIA had confidently conveyed to the Bush administration that Iraq had such programs and sought nuclear weapons.

Furthermore, and scandalously, Comey does not so much as mention that in 2015 Fitzgerald's star witness, Judith Miller, recanted her testimony while claiming that Fitzgerald manipulated her memory by withholding crucial facts. Nor does Comey acknowledge that in 2016 the D.C. Court of Appeals, relying on Miller's revelations, unanimously restored to Libby (who has never ceased to insist on his innocence) his law license.

What should Comey have done in December 2003? A conscientious and competent acting attorney general who knew what Comey knew or should have known would have rejected calls for a special prosecutor. Instead, he would have held a press conference and told the American people the plain, unvarnished truth: The FBI has identified the leaker. The leak came not from the White House but the State Department. The CIA confirmed Plame's employment for Novak. Plame was not covert under the relevant law, and, in any case, there was no evidence that any administration official who spoke to reporters about Plame believed she was classified; therefore, no law was violated. No harm was caused to CIA sources or operations.

In mid-March of this year, Comey took to Twitter—a medium inimical to sobriety, thoughtfulness, and reasoned argument—to mock the president while trumpeting his own virtue: “Mr. President, the American people will hear my story very soon. And they can judge for themselves who is honorable and who is not.”

So we can.

The misconceptions and falsehoods that Comey perpetuates about the misbegotten prosecution of Scooter Libby provide further confirmation that, despite his private assurance to the president and public boasts, Comey can't be counted on to tell the truth.

Correction: In an earlier version of this article, the number of memos whose substance James Comey asked Daniel Richman to share with the New York Times was misstated, as was Comey's relationship with special counsel Robert Mueller.

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