



Written by [C. Mitchell Shaw](#) on August 29, 2019

“Lying, Leaking” James Comey Dodges Prosecution, but IG Report Does Not Exonerate Him

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The name “James Comey” and the words “declined prosecution” are inexorably linked due to the dog-and-pony show the FBI — under his leadership — passed off as an investigation into Hillary Clinton’s illegal use of a private, unsecured, unauthorized e-mail server and account. Now, that name and those words meet again, under different circumstances, as the Office of Inspector General (OIG) appears to be “returning the favor” by having “declined prosecution” of Comey for leaking memos about his meetings with President Donald Trump.

Former FBI Director James Comey (shown) is a lot of things — a liar, a perjurer, an Establishment lackey, and a disgrace to the agency he led before being fired by President Trump — but one thing he is not is disorganized. The man appears to keep meticulous notes and seems to have the organizational skills of a person with Obsessive/Compulsive Disorder. For instance, Comey created seven detailed memos of meetings he held with President Trump. So far, so good. If that was as far as this went, the most he could perhaps be accused of is lacking that same diligence in his alleged investigation of Hillary Clinton’s handling of classified e-mails.

But, as the late-night infomercial announcer says, “Wait, there’s more!” Comey kept several of those memos in his personal safe, in violation of DOJ and FBI policies and his employment agreement. The irony of the man who claimed to be investigating Hillary Clinton’s unauthorized retention of State Department documents taking home FBI memos is astounding. The fact that he wrote those memos is irrelevant since — as a government employee — his memos were a work product of the government and (in this case) government property.

Taking the memos home appears to have been the means to an end. That end was to have them leaked and published in order to hurt President Trump.

A [report](#) published Thursday by the Office of Inspector General “describes the investigation by the Department of Justice (DOJ or Department) Office of the Inspector General (OIG) into the creation, storage, and handling of certain memoranda (Memos) written by former Federal Bureau of Investigation (FBI) Director James B. Comey.” It states:

Between January 6, 2017, and April 11, 2017, while Comey was Director of the FBI, he memorialized seven one-on-one interactions that he had with President-elect and President Donald



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J. Trump. Throughout this report, these Memos are referred to as Memo 1 through Memo 7, numbered chronologically according to the date each Memo was written. Comey, who had original classification authority as FBI Director, marked a small amount of information in Memo 1 as classified at the time that he wrote it. Comey also believed that Memo 3 contained classified information when he wrote it, but did not mark the document as classified. Comey kept signed originals of Memos 2, 4, 6, and 7 in a personal safe in his home and, following his May 2017 removal as FBI Director, provided his personal attorneys with copies of Memos 2, 4, and 6, and a redacted version of Memo 7; Comey never took copies of Memos 1, 3, and 5 to his home, and never shared these Memos with anyone outside the FBI.

And:

In June 2017, following Comey's removal as FBI Director, the FBI reviewed the Memos to determine if any of the Memos contained classified information. The FBI determined that Memos 1 and 3 contained information classified at the "SECRET" level, and that Memos 2 and 7 contained small amounts of information classified at the "CONFIDENTIAL" level. The FBI designated Memos 4, 5, and 6 as unclassified, "For Official Use Only."

In July 2017, the OIG began looking into whether Comey had shared the information in those memos — some of which was classified in nature — with his lawyer. The OIG was already "aware of Comey's June 8, 2017 congressional testimony that he had authorized a friend (who was also one of his personal attorneys) to provide the contents of Memo 4 — which 'contents' did not contain any classified information (though the memo itself did) — to a reporter for The New York Times," according to the report.

In fact, while Comey left copies of memos 2, 4, 6, and 7 at the office, it was the signed originals of those memos he took home. The report states, "Through our investigation, we learned that Comey considered Memos 2 through 7 to be his personal documents." In fact, the report states, "Comey's characterization of the Memos as personal records finds no support in the law and is wholly incompatible with the plain language of the statutes, regulations, and policies defining Federal records, and the terms of Comey's FBI Employment Agreement." Perhaps the FBI should ask what other government property Comey considered to be his "personal property."

Nonetheless, "After being removed as Director, Comey did not report to the FBI that he had copies of these Memos," though he "subsequently provided his copies of Memos 2, 4, 6, and 7 to the Office of Special Counsel Robert S. Mueller III on June 7, 2017."

The report also states that almost immediately after his firing:

On May 14, 2017, Comey used his personal scanner and private email account to provide electronic copies of Memos 2, 4, 6, and 7 to one of his personal attorneys. Three days later, on May 17, that attorney provided, via a personal email account, copies of these four Memos to two other attorneys, who were also part of Comey's legal team. Of the Memos Comey shared with his attorneys, Memo 2 contained six words that the FBI determined in June 2017 to be classified at the "CONFIDENTIAL" level; Memos 4 and 6 contained information that the FBI determined in June 2017 to be "For Official Use Only," but did not contain classified information; and Memo 7 was redacted by Comey before transmission, which obscured the information in Memo 7 that the FBI determined in June 2017 to be classified. Comey did not seek authorization from the FBI before providing Memos 2, 4, 6, and 7 to his attorneys.



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The report acknowledges, “Comey’s retention, handling, and dissemination of certain Memos violated Department and FBI policies, and his FBI Employment Agreement.” Yet despite all of this, the OIG stopped short of recommending prosecution. Instead, the report states, “The OIG has provided this report to the FBI and to the Department of Justice Office of Professional Responsibility for action they deem appropriate.” And just what action is that — fire him? President Trump did that before Comey’s crimes came to light.

For his part, Comey is acting as if this is a complete vindication — and he’s using it as a new stick with which to strike out at his former executive. Taking to Twitter (again, the irony), Comey wrote, “DOJ IG ‘found no evidence that Comey or his attorneys released any of the classified information contained in any of the memos to members of the media.’ I don’t need a public apology from those who defamed me, but a quick message with a ‘sorry we lied about you’ would be nice.” And, “to all those who’ve spent two years talking about me ‘going to jail’ or being a ‘liar and a leaker’ — ask yourselves why you still trust people who gave you bad info for so long, including the president.”

It appears that Comey spent some time reading the report — thus his ability to selectively quote from it. If only he had paid that much attention to his employment agreement or the regulations of his job, he might have realized the importance of also quoting the portion of the report that states, “What was not permitted was the unauthorized disclosure of sensitive investigative information, obtained during the course of FBI employment, in order to achieve a personally desired outcome.” That “personally desired outcome” was the appointment of a special counsel to investigate the president, which Comey has openly admitted was his goal in leaking the information in the memos.

Three main points really stand out from this. First is the absolute ridiculousness of the DOJ not prosecuting Comey for these violations, thus setting a precedent that directors of agencies — *even intelligence agencies* — can leak documents containing information to which they were only privy as a part of the duty entrusted to them in their jobs. Second is that the justification for the DOJ not prosecuting Comey seems to be that nothing he mishandled by allowing it to be leaked was actually classified. This brings the Clinton e-mail scandal full-circle, since Comey — when he “declined prosecution” of Hillary for her crimes — did not deny that she *did* mishandle classified intelligence. He let her off Scott-free on the lame excuse that his FBI could not find “criminal intent.” In other words, if the same standard that was used to justify not prosecuting Comey were used in the Clinton case, the FBI would have had to recommend prosecution.

The third point is that it was largely the leaked information from those memos published by the *New York Times* that led to the creation of the Mueller witch-hunt that ultimately failed to find any evidence of the alleged Russian collusion it was created to investigate. So, in the end, an illegal act by a man that President Trump was excoriated for firing was the ostensible justification for the appointment of a special counsel that was used to continue dragging his name through the mud.

Well played, Deep State, well played. But, it still did not pay off.

Photo of James Comey: AP Images



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