



Written by [Steve Byas](#) on January 13, 2017

FBI's Comey Faces Investigation Over Handling of Clinton Probe

"What Comey did, commenting on an investigation, was totally improper," insisted Nick Ackerman, a former federal prosecutor from New York. Ackerman, an investigator during the 1970s Watergate Scandal, even argued, "There is no need to have an inspector general investigation to justify the president firing him."

Michael Horowitz, the inspector general of the U.S. Department of Justice, has announced that he will be launching an investigation into the actions of FBI Director James Comey (shown on right) in his handling of the probe of Hillary Clinton's use of a private e-mail server while she was secretary of state. Federal law forbids the use of private e-mail servers to send and receive sensitive government documents, a law that Clinton apparently violated. Horowitz has been inspector general since 2012.



In a highly unusual move, Comey announced on July 5 of last year that he would not recommend prosecution in Clinton's case. Ordinarily, FBI officials do not make public comments about cases in which they are *not* recommending prosecution. In the July announcement, despite opting to not recommend prosecution, Comey did nevertheless criticize Clinton, saying that she and her aides were "extremely careless in their handling of very sensitive, highly classified information." At the time, many Republicans charged that Comey had made a political decision in Clinton's case, since she was the Democratic candidate for president, arguing that other officials skirting the law in a like manner would have been charged.

Republican candidate Donald Trump responded at the time with one of his tweets, "FBI director said Crooked Hillary compromised our national security. No charges. Wow! #RiggedSystem." But then, when Comey reopened the investigation in October, Trump praised Comey, saying, "I have great respect that the FBI and the Department of Justice have the courage to right the horrible mistake that they made. This was a grave miscarriage of justice that the American people fully understood."

Democrats, on the other hand, who had generally praised Comey's integrity when he did not suggest the prosecution of Clinton, were outraged when, in October, Comey sent a public letter to Congress, announcing that he was reopening the case. Comey, during testimony before Congress after his July announcement, promised he would inform Congress if new evidence came to light.

President Barack Obama, not surprisingly, did not agree with Comey's action, saying, "I do think that



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there is a norm, that when there are investigations, we don't operate on innuendo, we don't operate on incomplete information, we don't operate on leaks." Attorney General Loretta Lynch had told Comey not to send the letter, telling him that it would violate a department policy not to take any significant action so close to an election, which could affect its outcome.

Some Democrats even blame Comey for Clinton's loss of the presidential election. Brian Fallon, who was a spokesman for the Clinton presidential campaign, told MSNBC, "The deviations from the protocols at the FBI and the Justice Department were so glaring and egregious." If not for Comey's October public letter to Congress, revealing that investigators were going to examine new e-mails between Clinton and her top aide Huma Abedin, Fallon said Clinton would have won the election.

Clinton's campaign manager, Robby Mook, even charged that "the FBI seems to have chosen a horse in this election, and we welcome this investigation so this doesn't happen again."

FBI directors are appointed to 10 year terms, and while the bureau is part of the Department of Justice, only the president can fire a director. Comey is in the fourth year of his term, and has given no indication that he is ready to step down on his own. Only one previous director, William Sessions, has ever been fired.

Comey said he was "grateful" for the investigation, saying "everyone will benefit from thoughtful evaluation and transparency regarding this matter."

He has defended his actions, telling the Senate Intelligence Committee, "I hope I've demonstrated by now I'm tone-deaf when it comes to politics, and that's the way it should be."

Comey added that he understood the debate concerning his decision to go public on the probe of Clinton's e-mails. "I think questions are fair. I think criticism is healthy and fair. I think reasonable people can disagree about whether I should have announced and how I should have done it," the FBI director said. "What's not fair is any implication the bureau acted in any way other than independently, competently and honestly here."

Senator Joe Manchin (D-W.Va.) appeared to accept Comey's explanation, saying that Comey "defended it very well.... He put the facts out there, and hindsight being 20/20, he said these are facts I had to deal with, and these are the decisions I made, I'm sorry if someone takes offense."

When Comey was acting attorney general for President George W. Bush, he opposed a classified warrantless eavesdropping program that Bush supported. Although supporters of constitutional liberties praised Comey for that, many were disappointed when he attempted to make Apple hack into an iPhone used by a terrorist. The terrorist was dead, and Comey argued the phone might contain information that would assist federal investigators in uncovering terrorist planning and future activities. The FBI later dropped this effort when they were able to gain access to the phone's contents without Apple's help.

While Democrats agree with the decision to investigate Comey's actions, other incidents related to the Clinton probe might also come under investigation, as well — such as the questionable action of the attorney general herself.

Only a few days before Comey's July announcement, Attorney General Lynch met privately on an airport tarmac in Arizona, with Clinton's husband, former President Bill Clinton. Lynch later waved off criticism that it was highly inappropriate to meet with the spouse of a person under department investigation by saying that she and Bill Clinton discussed only personal issues, such as their grandchildren, and golf,



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not the investigation of the former president's wife. The 30-minute meeting was not publicly announced at the time, and would have remained secret, but a local reporter with an ABC affiliate in Phoenix, Christopher Sign, broke the story.

After the meeting with Clinton was made public, Lynch said she "certainly wouldn't do it again."

Another part of the investigation will concern deputy FBI Director Andrew McCabe, and his participation in the investigation of Clinton's e-mails, despite his wife's heavy involvement in Democratic Party politics. Critics argue that he should have recused himself, and there are allegations that he gave non-public information to the Clinton campaign.

Finally, the inspector general is also expected to look into the decision of the FBI to release documents, responding to a Freedom of Information request, relating to the highly controversial pardon of Marc Rich by then-President Bill Clinton. Rich and his wife were donors to the Clinton campaign, and Clinton pardoned him in the last hours of the Clinton administration in 2001. Rich was in Switzerland at the time of his indictments for income tax evasion and for illegally conducting oil deals with Iran during the hostage crisis of 1979-1981. Rich's wife later gave \$450,000 to the Clinton presidential library.

Other documents were released by the FBI just before the election and related to Trump's father, now deceased.

Before the election, Trump vowed, if elected, he would appoint a special prosecutor to investigate Clinton, but has since backed off that promise. Attorney general nominee Jeff Sessions told the Senate Judiciary Committee this week that he would recuse himself, if confirmed, in any investigation of Clinton, due to his public comments about the e-mail scandal during the campaign.



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