



Written by [C. Mitchell Shaw](#) on June 17, 2017

Sessions v. Comey: Who's Telling the Truth?

Attorney General Sessions' testimony before the Senate Intelligence Committee on Tuesday contradicted that of ousted FBI Director James Comey before the same body on June 8 on some key points. Chiefly, Sessions disagreed with Comey's "sense" that Sessions tried to stay behind for Comey's Oval Office one-on-one with President Trump, denied Comey's account of their conversation after that meeting, and disputed Comey's testimony about Sessions' notification of his decision to recuse himself from the Russia investigation.



While it is to be expected that there would be some variance between the testimonies offered by any two witnesses, there are irreconcilable differences where the testimonies offered by Comey and Sessions are concerned.

Comey wrote in his prepared statement and testified in open session that at the February 14 Oval Office meeting, Sessions "lingered" by Comey's chair after the president asked everyone but Comey to leave.

In his prepared statement — which was given as part of his sworn testimony — Comey wrote, "The President signaled the end of the briefing by thanking the group and telling them all that he wanted to speak to me alone. I stayed in my chair. As the participants started to leave the Oval Office, the Attorney General lingered by my chair, but the President thanked him and said he wanted to speak only with me." He confirmed that in his oral testimony, saying, "I've seen a few things — my sense was the attorney general knew he shouldn't be leaving."

However, when Sessions testified Tuesday, he refuted Comey's "sense" that he "lingered" because he felt he should stay. Sessions addressed this more than once in his testimony, but one instance stands out in particular. Senator Marco Rubio (R-Fla.) asked Sessions: "His [Comey's] testimony was that you lingered and his view of it was you lingered because you knew you needed to stay. Do you remember lingering and feeling like you needed to stay?" Sessions said he did recall "being one of the last two or three to leave." Rubio asked, "Did you decide to be one of the last to leave?" Sessions said, "I don't know how that occurred. I think we finished a terrorism or counter terrorism briefing and people were filtering out. I eventually left and I do recall and I think I was the last or one of the last two or three to leave." If Sessions had made a conscious decision to "linger," then the only honest answer he could have given would be to say so. Instead, he paints a picture of people filtering out of the room and him simply "being one of the last two or three to leave." This sounds more like happenstance than design.

But — just so there's no confusion — Rubio followed up by asking, "Would it be fair to say you needed to stay because it involved the FBI director?" Sessions' answer is in direct opposition to what Comey testified his "sense" was. Sessions answered, "I don't know how I would characterize that, senator. It didn't seem to be a major problem. I knew that Director Comey — long-time experienced individual of the Department of Justice — could handle himself well."



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Comey also wrote in his prepared statement and said in his oral testimony that when he spoke with Sessions about his concerns and asked Sessions to “prevent any future direct communication between” Trump and Comey, Sessions shrugged it off and “did not reply.”

In his prepared testimony, Comey wrote:

Shortly afterwards, I spoke with Attorney General Sessions in person to pass along the President’s concerns about leaks. I took the opportunity to implore the Attorney General to prevent any future direct communication between the President and me. I told the AG that what had just happened — him being asked to leave while the FBI Director, who reports to the AG, remained behind — was inappropriate and should never happen. He did not reply.

And in his oral testimony, Comey was asked — very specifically — about that. Senator Kamala Harris (D-Calif.) asked Comey, “In your written testimony, you indicate that after you were left alone with the president, you mentioned that it was inappropriate and should never happen again to the attorney general. And apparently, he did not reply. And you wrote that he did not reply. What did he do, if anything? Did he just look at you? Was there a pause for a moment, what happened?” Comey replied:

I don’t remember real clearly. I have a recollection of him just kind of looking at me. It was a danger I’m projecting on to him so this might be a faulty memory. But I kind of got — his body language gave me a sense like, “What am I going to do?”

Harris followed up by asking, “Did he shrug?” Comey answered:

I don’t remember clearly. I think the reason I have that impression is I have some recollection almost imperceptible like, “What am I going to do?” But I don’t have a clear recollection of that of that. He didn’t say anything.

Although Comey admitted that he didn’t “remember clearly,” may have been “projecting” his own perceptions and feelings onto Sessions out of a “faulty memory,” and was mostly testifying about his own “impression,” the fact remains that Comey both wrote and said — in clear, unambiguous language — that Sessions “did not reply” and “didn’t say anything.”

However, Sessions flatly denied that in his testimony. And he didn’t claim a “faulty memory” while doing it. His most concise testimony regarding that conversation was when responding to Rubio, who asked:

He [Comey] characterized it as he said, “Never leave me alone with the president again. It’s not appropriate.” This is his characterization, you shrugged as if to say, “What am I supposed to do about it?”

Sessions answered:

I think I described it more completely and correctly. He raised that issue with me, I believe the next day — I think that was correct. He expressed concern about that private conversation. I agreed with him essentially that there are rules on private conversations with the president. It is not a prohibition on a private discussion with the president as I believe he acknowledged six or more himself with President Obama and President Trump. I didn’t feel like — he gave me no detail about what it was that he was concerned about.

Senator Roy Blunt (R-Mo.) revisited that issue in his questions to Sessions, asking, “What I’m not quite clear on is — did you respond when he expressed his concern or not?” Sessions called Comey’s claim that he did not respond “incorrect,” saying:



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Yes, I did respond. I think he's incorrect. He indicated I believe that he was not totally sure of the exact wording of the meeting, but I do recall, my chief of staff was with me, and we recall that I did affirm the long-standing written policies of the Department of Justice concerning communications with the White House.

On the issue of Sessions' recusal from the Russia investigation, Comey claimed he was not "aware of" any memorandum from the office of the attorney general describing the parameters of that recusal. Harris asked Comey, "What is your understanding of the parameters of Attorney General Sessions' recusal from the Russia investigation?" Comey answered, "I think it's described in a written release from DOJ which I don't remember sitting here but the gist is he will be recused from all matters relating to Russia or the campaign. Or the activities of Russia and the '16 election or something like that."

Since that would mean that Comey had not received anything from Sessions' office on the parameters of the recusal, Harris asked, "So, is your knowledge of the extent of the recusal based on the public statements he's made?" Comey said, "Correct." Harris followed up with, "Is there any kind of memorandum issued from the attorney general to the FBI outlining the parameters of his recusal?" Comey answered, "Not that I'm aware of."

However, Sessions testified in his opening statement to the committee, "On the date of my formal recusal, my chief of staff sent an e-mail to the heads of relevant departments including — by name — to director Comey of the FBI to instruct them to inform their staffs of this recusal and advise them not to brief me or involve me in any way in any such matters." Senator Richard Burr (R-N.C.) followed up on that in his questions to Sessions, asking, "You made a reference to the chief of staff sending out an e-mail immediately notifying internally of your decision to recuse. Would you ask the staff to make that e-mail available?" Sessions said he would and went on to say, "With regard to the e-mail we sent out — Mr. Comey, Director Comey indicated that he did not know when I recused myself or did not receive notice — one of those e-mails went to him by name. So — a lot happens in our offices, I'm not accusing him of any wrongdoing — but, in fact, it was sent to him and to his name."

While some of the discrepancies between the testimonies offered by Comey and Sessions can be chalked up to "perception," "sense," "faulty memory," and "projecting," it is noteworthy that Sessions testified on all of these points without referring to any of those things while Comey's testimony of these issues is peppered with such references.

Photos: Jeff Sessions (top left): Shane T. McCoy / US Marshals; James Comey: FBI



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