

A Higher Loyalty: Truth, Lies and Leadership

by Gary Fouse



I just finished reading James Comey's book, *A Higher Loyalty: Truth, Lies and Leadership*. Given current events, I felt I had to. Comey's version of events surrounding the Clinton e-mail investigation, the Russian Collusion investigation, and the entire controversy surrounding the very character and personality of President Trump is an important part of the public record even if the book is self-serving (It is.) and even if certain parts of the book are open to question (They are.).

Looking at the book as a big picture, Comey comes across as one who considers himself the wisest and most ethical person in the room, if not all of Washington. Each chapter begins with a quotation from major figures in world history, from St. Francis, Mark Twain, Margaret Thatcher, and Thomas More among others. There are also quotes in the texts from George Washington, Thomas Jefferson, and Dwight D. Eisenhower.

There is no question that Comey has no respect for President Trump. At the end of the book, he states flat out that Trump is unethical. When Comey describes his personal encounters with Trump, he goes to great lengths to paint an uncomplimentary picture of Trump's personality, a man who doesn't listen to others and who dominates the conversation. Comey also stresses that Trump has no concept of the separation that the FBI and its director must maintain from the White House in order to maintain its integrity and independence. He, of course, describes the White House dinner when Trump demanded his personal loyalty.

More specifically, I wanted to check and see how Comey's words in the book matched up with events as we have learned over the past couple of years. One part that particularly caught my eye was in chapter 8 when Comey describes his policy of making sure every FBI trainee was educated about the abuses against Martin Luther King under J. Edgar Hoover. Comey writes:

"To drive that message home, I obtained a copy of the 1963 memo from J Edgar Hoover to Attorney General Robert F. Kennedy seeking permission to conduct electronic surveillance of Dr King. At the bottom of the single page memo, which is only five sentences long and without meaningful facts, Kennedy's signature grants that authority, without limit as to time and place. I put the memo under the glass on the corner of the desk where every morning I reviewed applications by the FBI and the Department of Justice to conduct national security electronic surveillance in the United States. As Hoover did, I was required to personally sign an application. The difference was our applications went to a court and were often thicker than my arm. As I would explain to employees, it is a pain in the neck to get permission to conduct that kind of surveillance, and it should be."

And yet, Comey [signed off](#) on that infamous FISA application to obtain a wiretap against one time Trump campaign aide Carter Page, which was largely based on the equally infamous *Russian*

Dossier, compiled by former British Intelligence agent, Christopher Steele, which told of Trump allegedly hiring Russian hookers to urinate on his Moscow hotel room bed because the Obamas had previously slept there. (There were four applications, the original and three re-authorizations. Comey signed off on three and his deputy, Andrew McCabe, signed off on the other one.) While Comey talks about the dossier and how he briefed Trump about it, there is no mention of how it was used in the FISA application. Nor does he mention that the dossier was partially paid for by the DNC and Clinton campaign. Nor does he mention that now-disgraced ex FBI official Andrew McCabe [testified](#) before Congress in December 2017 that without the dossier, there would have been no FISA application against Page. Indeed, Carter Page is not mentioned in the book.

While Comey does mention McCabe a few times-and defends him as a man of integrity – the names of Peter Strzok and Lisa Page do not appear in the book. There is nothing in the book regarding the emails between Strzok and Page that talked about their hostility to Trump and their fervent desire to see Clinton elected. Not that agents are not entitled to their political preferences. They are not supposed to let it interfere with their job. Yet, they referred to the Trump-Russian collusion controversy as an insurance policy and indicated they knew that Clinton would not be indicted.

As to the Clinton email investigation, Comey goes to great lengths to show that he and the team of agents working the case acted properly in deciding not to recommend prosecution. In explaining his decision, Comey stressed two points in chapter 10:

1 *"Our investigations required us to answer two questions. The first question was whether classified documents were moved outside of classified systems or whether classified topics were discussed outside of a classified system. If so, the second question was what the subject of the investigation was*

thinking when she mishandled that classified information.

In Secretary Clinton's case, the answer to the first question- was classified information mishandled?-was obviously, "yes".....

".....The heart of the case was, the, was the second question: What was she thinking when she did this? Was it sloppy or was there criminal intent? Could we prove that she knew she was doing something she shouldn't be doing?"

Not only does Comey ignore the actions of Clinton that would show knowledge of guilt in destroying the contents of her already subpoenaed emails using "Bleachbit" and actually destroying her communication device, he claims they could not show "intent" by Clinton to break the law. What Comey leaves out is that the principal federal law that would apply is [18 USC 793 \(f\)](#), which did not require intent, rather that the accused mishandled classified information through "gross negligence". That is why Comey revised his exculpatory memo on Clinton to change "grossly negligent" (as originally worded) to "extremely careless". The former term has legal implications. Comey claims in his book, that legal experts would recognize the difference. I sure cannot. In addition, it was Peter Strzok who [helped](#) Comey write that memo and reportedly was the one suggesting the change from "grossly negligent" to "extremely careless."

(f)

"Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, note, or information, relating to the national defense, (1) through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, or (2) having knowledge that the same has been illegally removed from its

proper place of custody or delivered to anyone in violation of its trust, or lost, or stolen, abstracted, or destroyed, and fails to make prompt report of such loss, theft, abstraction, or destruction to his superior officer—

Shall be fined under this title or imprisoned not more than ten years, or both.”

Comey then uses the David Petraeus case as an example. Petraeus lied to the FBI to cover up the fact that he had provided classified information to his biographer (and lover), so he knew what he was doing was wrong. In addition, Everybody on Clinton's email list had the clearances and need to know. (Except, as it later turned out, disgraced US Congressman Anthony Weiner, who was also the husband of Clinton's controversial advisor, Huma Abedin.)

Comey says more than once in the book that they could not prove that former Secretary of State Clinton “knew what she was doing was wrong”. That is absurd. She received a security briefing before taking up her duties. To say that any secretary of state didn't know these actions were wrong is akin to saying that the head of DEA didn't know it was wrong to snort cocaine in his office during working hours (or at home after working hours as well).

Comey is more convincing when he describes the new information that was discovered from Anthony Weiner's laptop in October 2016-after the FBI had cleared Mrs. Clinton. Comey states that in his mind, it was better to advise the public that the case was being re-opened rather than conceal that fact and have it become public knowledge after a Clinton victory (which everyone presumed would happen). Thus came the announcement of a re-opening of the case followed by an announcement that the case was once again closed just days before the election.

“I don't leak”

Comey has been having a rough time in interviews making the

case that he wasn't a [leaker](#) in spite of the hand-written memo he passed on to a Columbia University law professor and friend which was then passed on to the press. In his testimony before Congress, Comey admitted doing so in the hope that this would lead to the appointment of a special prosecutor to investigate Trump. Comey so distrusted Trump that he began writing memos after his conversations with the President, a copy of which he shared with his FBI senior leadership team (no names given), and a copy of which he kept at home. (Chapter 13)

"As was my practice, I printed two copies of the memo. One I shared with the FBI senior leadership team and then had my chief of staff keep in his files. The other I locked up at home, for two reasons: I considered the memo my personal property, like a diary; and I was concerned that having accurate recollections of conversations with this president might be important someday, which sadly, turned out to be true."

Comey stresses in his interviews that the information was not classified-thus, he didn't leak classified information. One thing that was brought out in the Clinton email case was that a document is not just classified because someone puts a classification stamp on it. The information itself is what is classified. What we have here is an FBI director, so ill at ease in talking to the President, that he makes a hand-written memo of it and shares a copy to senior FBI leadership and his chief of staff for his own files. In one memo, Comey is addressing Trump's stated wish to him that he (Comey) could "let the Michael Flynn case go". Sorry, Mr Comey, but that document is sensitive on its face and belongs to the government. A conscientious civil servant would, in all probability, put a classification stamp on it simply given the players and the content.

Let me give a somewhat related example from my years as a federal agent. As a DEA agent (and this applies to the FBI and other federal agencies as well), we were required to keep our

personal notes during an investigation for discovery purposes in the event of a trial. In other words, if an agent was conducting a surveillance, an interview, an interrogation, an undercover operation – you name it – it was not sufficient to merely submit an official report. Handwritten notes had to be preserved and made available to defense attorneys at time of trial. They were not our personal property. I would argue that nothing an FBI director produces as part of his duties is his personal property.

James Comey found himself in a unique situation in that his agency was investigating both of the 2016 presidential candidates at the same time. Few leaders could have navigated that mess well, and Comey was no exception. He talks a lot about leadership qualities in his book, and according to what I have heard was well-regarded by his agents. Yet, he does not dispel the notion that the fix was in on the Clinton investigation. All in all, Comey did not help his cause (vindication) by writing this book.