

# Comey's Legally Irrelevant Testimony

Former FBI Director Comey's congressional testimony presents nothing to support Democratic accusations that President Trump violated federal law or obstructed justice by interfering with the FBI's investigation into Russian tampering with the election. In his recitation of meetings with Trump, Comey offers his interpretation of statements given him, statements he said called for "loyalty" or "honest loyalty" from Comey, and which called upon him to treat former National Security Advisor Michael Flynn, whom he referred to as a "good guy," fairly. There is in his recitation of the facts nothing that proves President Trump engaged in any illegal act.

The critical factor is that Trump gave no orders to Comey to stop the investigation. Comey recites no action by any agent of Trump to withhold evidence or obstruct the FBI's investigation. Indeed, had Comey countenanced any such action through inaction, he himself would be potentially guilty as complicit in acts of obstruction. But, in the end, there are no acts of obstruction.

For a President to expect "loyalty" or "honest loyalty" from his FBI Director is not a crime. Indeed, it is hard to discern what those terms mean, even within the context of Comey's interpretation of the conversations. For the President, as chief executive officer of the United States charged with ensuring the faithful execution of the laws to demand that his FBI Director be loyal is legal and appropriate so long as that loyalty requires fulfillment of presidential actions in fulfillment of or in concert with the law. There is nothing in Comey's testimony which reveals any call by the President to have Comey commit an illegal act or be loyal to the President in service of an illegal enterprise.

The testimony is, thus, further confirmation that there is no basis for challenging the legality of the actions of the President. Moreover, Comey confirmed again directly that the President was not a target of the FBI's investigation and that the FBI had no information which would lead the agency to believe the President had committed any illegal act.

This then is yet more confirmation that President Trump is no Richard Nixon. This is not a situation where the President is engaged in a cover up of illegal activity. Indeed, Comey's testimony neither accuses the President of involvement in any illegal act nor says that, aware of an illegal act, the President took steps to cover-up the illegality. In short, there is nothing in Comey's testimony which implicates the President in any act in violation of the laws of the United States.

Despite the absence of testimony or proof that President Trump was involved in any illegal activity, we can well expect the leading Democrats in the House and Senate, who condemned Trump of obstruction of justice before any proof was adduced, to continue to claim his actions to be unlawful. In fact, Comey gives nothing of substance to support such a charge, yet we can expect Democratic leaders to proceed as they have without the benefit of proof to convict the President of wrong doing he has not committed. A wise media would perform a public service of demanding that those who make accusations of illegality to present the proof in support of those accusations before credence is given them. But we do not live in an Edward R. Murrow age any more. Rather, driven by ideological adherence to a liberal agenda, most of the media republish political statements that charge the president with illegality without the slightest serious critical examination of those charges. The effect, of course, is to mislead people into believing the proof established when, in fact, it is non-existent.