

James B. Comey and the rule of law

FBI Director James B. Comey is the one to whom over 100 FBI agents will ultimately answer concerning the investigation into Hillary Clinton's dispatch of over 1,300 emails containing classified information to and through her personal servers. He will decide whether to recommend that a bill of indictment be presented to a federal grand jury for the prosecution of Mrs. Clinton.

Director Comey is a man of integrity, vouched for by those attorneys who have worked closest with him. He is highly intelligent, beyond reproach, and believes fundamentally in the rule of law. He is neither intimidated by power nor beholden to anyone else in the exercise of his legal judgment. His entire public life has been dedicated to ensuring that those who violate the law answer for their crimes. Hillary Clinton will soon learn, if she has not already learned, that Director Comey is not one who can be brow beaten or bribed into bending the rule of law to favor a political outcome. He will see to it that justice is done.

A Republican who voted for Presidents Bush and candidate Romney, FBI Director Comey is a peculiar pick for Barack Obama. Indeed, he stands out among Obama's appointed officials based on his unwavering commitment to the rule of law and his decidedly non-partisan pursuit of justice.

Combined with his integrity, Comey's considerable experience in the prosecution of high profile cases and in the management of the entire Department of Justice makes him the ideal candidate for dispassionately determining the extent to which Hillary Clinton has violated the nation's laws. During the Bush Administration (George W.), he served as Deputy Attorney General. In that capacity, he supervised the functioning of

the entire department. As Deputy Chief of the Criminal Division in the U.S. Attorney's Office for the Southern District of New York, he was on the team of government attorneys who prosecuted the Gambinos. As Managing Assistant U.S. Attorney in the Richmond Division of the United States Attorney's Office for the Eastern District of Virginia, he led the prosecution of those responsible for the 1996 Khobar Towers bombing. He also led the prosecution of Martha Stewart on charges of securities fraud, obstruction of justice, and false statements.

Most telling of all, Comey is famous for his refusal to certify the legality of the NSA's domestic surveillance program during the Bush Administration. Pressed to do so by the White House, he refused. Then, when the White House dispatched Chief of Staff Andrew Card and then White House Counsel (later Attorney General) Alberto Gonzalez to Attorney General John Ashcroft's bedside in order to pressure Ashcroft into certifying the program, Comey allegedly met shortly thereafter with Ashcroft to argue against certification. Ashcroft ultimately sided with Comey, who was joined in his position by then FBI Director Robert S. Mueller. Standing on principle against political pressure, Comey and Mueller were willing to resign rather than be cowed into taking an action they believed contrary to the law. Ultimately President Bush agreed to change the nature of the surveillance program to accommodate much of the internal opposition to it.

Based on this history, and given what we already know of Hillary Clinton's negligent dispatch and receipt of classified information outside of secure official channels, it will come as no surprise if Comey, true to form, recommends that Attorney General Loretta Lynch permit the prosecution of Hillary Clinton. What we do not know is whether the Attorney General will follow Comey's lead or will bend to the pressure of Clinton's backers. In addition to the issue of personal integrity, because bending to the pressure would damage the

Attorney General's reputation in the legal community and would affect her legacy in the history books, it would appear more likely than not that she will let the matter go before a Grand Jury. And then Hillary will no doubt be indicted.

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