

Senate confirms deputy attorney general under Bush as new FBI chief

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The US Senate voted Monday 93-1 to confirm President Barack Obama's pick for new director of the Federal Bureau of Investigation, James Comey. Comey will serve a 10-year term.

Comey has previously worked in hedge fund management, academia, corporate law, and the arms trade. He was appointed deputy attorney general of the United States in 2003, and later worked for Lockheed Martin, for hedge funds Bridgewater Associates and HSBC Holdings, and for Columbia Law School. During his tenure with the Bush administration, he supported the government's torture programs.

At his confirmation hearing before the Senate Judiciary Committee, Comey staunchly defended the NSA surveillance apparatus exposed by leaker Edward Snowden.

While Comey refused to speak in detail about his views on this subject, saying that he was "not familiar with the details of the current programs," he voiced support for spying on telephone records. "I do know, as a general matter, the collection and analysis of metadata is a valuable tool in counter-terrorism," said Comey.

Comey expressed his commitment to continue what he described as the ongoing "transformation of the FBI into an intelligence agency."

"I can only say with confidence that it's very important for the next director to continue the transformation of the FBI into an intelligence agency," Comey told the Senate panel.

Attempts are being made to portray Comey as a "civil liberties superhero" for his role in a 2004 "showdown" over surveillance in John Ashcroft's hospital room. In contrast to the image promoted by the media of a principled defender of democratic rights, during his career in government Comey has supported numerous

illegal and unconstitutional policies, including torture, warrantless wiretapping, and indefinite detention.

As the *New York Times* acknowledged, Comey was "willing to go along with most of the Bush administration's surveillance operations" and "did not object to the key element of the Bush administration's program—the wiretapping of American citizens inside the United States without warrants."

Comey was "read into" the NSA's warrantless wiretapping program in January of 2004. In May 2004, Comey signed a legal opinion from the Justice Department's Office of Legal Counsel supporting warrantless wiretapping.

The *Times* quotes a senior intelligence official from the Bush administration saying that Comey "never expressed any concern" about warrantless wiretapping and that "although he objected to one thing, he didn't object to everything."

"He was quite comfortable with a whole bunch of things," the source added. Comey's primary contribution to Bush's Justice Department was to help articulate pseudo-legal justifications for blatantly unconstitutional spying and torture programs.

In his article, "James Comey: Two Thumbs up for Waterboarding?", ACLU Senior Legislative Counsel Chris Anders outlines Comey's role in facilitating torture during the Bush administration.

Serving as Deputy Attorney General, Comey gave tacit approval to two torture memos, Bybee I and Bybee II. Bybee I, which remained in force for months while Comey served as Deputy Attorney General, established an extremely high-threshold for techniques to be considered torture, stating that "in order for abuse of detainees to meet the definition of torture under the federal anti-torture statute, it must produce pain similar to that of organ failure or death."

When information about the torture at Abu Ghraib was made public, Comey agreed with the decision to revoke Bybee I, but approved continuation of Bybee II. In July of 2004, Comey told CIA General Counsel Scott Muller that the CIA was cleared to continue with Bybee II approved “enhanced interrogation techniques,” including “wall slams” and up to 180 continuous hours of sleep deprivation.

Comey later approved yet another torture memo—a rewrite of Bybee II from May 2005—which authorized cramped confinement, wall-standing, water dousing, extended sleep deprivation, and water boarding. Emails sent in 2005 between Comey and top CIA officials detail Comey's concurrence with 13 different “enhanced interrogation” techniques.

“Comey was at the center of the Justice Department when important decisions were being made about torture,” said Andrea Prasow, senior counterterrorism counsel at Human Rights Watch.

Comey claimed that the FISA court “is anything but a rubber stamp,” despite the fact that the court approves nearly every request for surveillance submitted to it. Comey acknowledged that “the government is undefeated in front of the FISA court,” stating, “I don't know of a case where a wiretap application in a criminal case has been rejected by a federal judge.”

He asserted that current oversight mechanisms, such as the FISA court, are “very effective” at ensuring against “abuses” of surveillance powers by the FBI.

Comey also spoke in favor of the use of special military courts in cases relating to the “war on terrorism.”

“I think in some ways the military commission has an advantage,” Comey said. “In other ways, I'm not sure. I think it depends upon the individual case.”

Senator Rand Paul staged a brief show of opposition to Comey's approval, citing concerns about FBI use of drones over the US. After receiving a letter that supposedly assuaged his fears, Paul backed away from threats to filibuster. The letter revealed that drones have been used for missions inside the US on at least 10 occasions, and that the FBI does not require a warrant to carry out such drone missions.

It should also be noted that Senators Ron Wyden and Jeff Merkley, supposedly opponents of the surveillance, did not vote against Comey's nomination, instead voting “present,” highlighting the two-faced character

of their widely touted criticisms of the spying programs.

More broadly, the overwhelming bipartisan support of the Senate for Comey underscores the total commitment of both big business parties to anti-democratic policies including torture and mass spying. As the Guardian wrote, Comey's hearing “seemed like a coronation,” with Senators expressing their enormous respect for the nominee and Comey adopting a jocular and colloquial tone at times.

“James Comey proved that his reputation for unwavering integrity and professionalism is well-deserved,” averred Senate Judiciary Committee Chairman Patrick Leahy, Democrat of Vermont.

Comey's confirmation, passing through Congress virtually unopposed, comes as yet another proof that there remains no constituency committed to the defense of basic democratic rights within the US government and ruling elite.



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