

Inspector general to probe FBI role in 2016 elections

A reporter
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The inspector general of the US Department of Justice announced Thursday that his office would investigate the actions of the FBI during the 2016 elections.

The investigation will examine two key actions by FBI Director James Comey: His public denunciation in July of Hillary Clinton's use of a private email server while secretary of state, in the course of an announcement that there was no basis for criminal charges against her; and his letter to Congress October 28, in which he announced, only 11 days before the election, that the email server investigation was being resumed.

The October 28 letter was an unprecedented intervention into a presidential election campaign by the FBI. Comey disregarded recommendations by top Justice Department officials, including Attorney General Loretta Lynch, who urged him to adhere to a longstanding policy against taking any public action in an investigation within 90 days of an election in which a person being investigated was a candidate.

Clinton campaign officials have long claimed that Comey's October 28 letter tipped the election towards Trump, given the narrow margins by which the Republican won such states as Michigan, Wisconsin, Pennsylvania and Florida, winning an Electoral College majority despite losing the popular vote by some 2.8 million.

Whatever the truth of such claims—which beg the question why Clinton was in such a close-run contest with the most unpopular candidate for president in US history—there clearly was a deliberate effort by sections of the FBI to shift the election towards Trump. There is far more evidence of FBI intervention in the election than there is to prove the supposed Russian government intervention on behalf of Trump.

Inspector General Michael Horowitz wrote that he had received “allegations that Department or FBI policies or procedures were not followed” in connection with the letter. Depending on his findings, the inspector general's report could provide a political pretext for the firing of Comey by incoming President Donald Trump. Comey is in the fourth year of a 10-year term of office. He cannot be dismissed by the Justice Department officials to whom he reports, but he can be fired at will by the president.

Horowitz said he was responding to numerous complaints from members of Congress and the public over a series of actions by the FBI, as well as reported leaks of information. The scope of the investigation is quite extensive, including both seemingly pro-Clinton and anti-Clinton actions. Among the incidents to be probed, in addition to Comey's October 28 letter to Congress, are the following:

- * Comey's tongue-lashing of Clinton at a news conference July 5, when he announced that there was no basis for bringing criminal charges against her for using a private email server while secretary of state from 2009 to 2013. It is highly unusual for the FBI to comment publicly on a case that is being closed, let alone denounce an individual who did not commit a crime.

- * The actions of Andrew McCabe, an assistant director of the FBI who was promoted to deputy director early in 2016 and given an oversight role in the Clinton email probe. McCabe's wife Liz was a Democratic candidate for the Virginia State Senate in 2015 and received nearly \$700,000 in campaign contributions, one-third of her total, from committees linked to Virginia Governor Terry McAuliffe, a longtime Clinton crony.

- * The actions of officials and agents in leaking

derogatory information about Clinton to prominent supporters of Donald Trump, principally former New York Mayor Rudolph Giuliani, who has close ties to the FBI from his days as a US attorney in New York City.

* The actions of Peter Kadzik, the top congressional liaison for the Justice Department, who according to an email released by WikiLeaks, tipped off Clinton campaign chairman John Podesta about developments in the email investigation. Kadzik was a former personal lawyer for Podesta.

* The FBI's decision to make public 129 pages of documents on its long-closed investigation into Bill Clinton's pardon of fugitive billionaire Marc Rich. The documents, highly unflattering to the Clintons, were released on November 1, a week before the election.

As this list demonstrates, the 2016 election involved a significant conflict within the state, especially in its intelligence and police agencies that constitute the core of the repressive apparatus. Within the FBI itself, there was an intense struggle between factions backing Trump and Clinton, vented through media leaks and public statements, many of them patently illegal or in violation of longstanding restrictions.

There are two major subjects that the inspector general will not review. The Office of the Inspector General (OIG) said the substance of the FBI's investigation into the email server and its conclusion that no criminal charges should be brought were not an issue in the probe, only how and when information about the probe and its progress was made public. "The review will not substitute the OIG's judgment for the judgments made by the FBI or the Department regarding the substantive merits of investigative or prosecutive decisions," a news release said.

Horowitz will also not examine the private meeting between Attorney General Loretta Lynch and former President Bill Clinton, in late June on an airport tarmac in Arizona, which was widely denounced by Republicans as an attempt to rig the outcome of the email probe. Lynch publicly stated her regret over the meeting and pulled back from a direct oversight role on the probe and its findings.

The second omission sparked a protest from one prominent congressional Republican, Senate Judiciary Committee Chair Charles Grassley, who said, "Conspicuously absent, though, is any specific

reference to the Attorney General's failure to recuse herself from the probe, particularly after her meeting with former President Clinton."



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