

Senate hearing gives a glimpse of political warfare within the FBI

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A four-hour Senate committee hearing Tuesday gave a glimpse of the political warfare raging within the US military-intelligence apparatus, despite its nominally “nonpolitical” pretensions. Rival factions within the FBI fought to influence the outcome of the 2016 presidential election through illegal leaks to the media and carefully orchestrated political provocations.

The occasion was the annual review of the Federal Bureau of Investigation by the Senate Judiciary Committee, which is charged with exercising oversight of the powerful police agency. FBI Director James Comey was the sole witness, and he gave new details about the internal strife within the FBI and the Justice Department, to which it belongs.

Comey was under fire throughout the hearing from senators of both capitalist parties.

Republicans attacked him for allegedly going easy on Hillary Clinton in the course of the FBI’s investigation into Clinton’s use of a private email server while she was secretary of state, and for government leaks to the media about alleged connections between the Trump campaign and Russia.

Democrats attacked Comey for the announcement on October 28, 2016, only 11 days before the election, that the email investigation was being revived, while keeping silent about the allegations of Trump-Russia connections until well after the vote, thereby seemingly putting the weight of the FBI on the scales in support of Trump.

Clinton and many congressional Democrats have claimed that the FBI’s unprecedented intervention tipped the balance in a close election and gave Republican Donald Trump a critical last-minute boost. The FBI action broke a longstanding Justice Department rule that no action against any candidate for public office should be announced less than 90 days before an election.

In response to the questioning from both sides, Comey gave a picture of the FBI buffeted by political tensions

throughout the presidential election year. He flatly denied suggestions by Judiciary Committee chairman Charles Grassley, an Iowa Republican, that top FBI officials had been anonymous sources to the media about investigations into either Clinton or Trump.

Comey refused to discuss except in a secret session, with the press and public excluded, recent reports of an email hacked from Democratic Party operatives which said that they had assurances that Attorney General Loretta Lynch would protect Clinton by making sure the FBI investigation “didn’t go too far.”

But he acknowledged that there was mounting dissatisfaction within the FBI in the spring of 2016 over the investigation of the Clinton email affair as it became clear that there was no basis for a criminal prosecution of Clinton or her top aides.

Comey said, in response to questioning by Republican Thom Tillis of North Carolina, that he himself had become increasingly concerned that the leadership of the Department of Justice “could not credibly complete the investigation and decline prosecution without grievous damage to the American people’s confidence in the justice system.”

Referring to Attorney General Loretta Lynch’s meeting with former President Bill Clinton on an airport tarmac in Arizona in late June 2016, he continued, “her meeting with President Clinton on that airplane was the capper for me. And I then said, ‘You know what, the department cannot by itself credibly end this.’”

Comey revealed that he telephoned Lynch the next morning to tell her he would announce the conclusions of the FBI investigation into Hillary Clinton at a press conference without giving Lynch—his nominal boss—advance notice of what those conclusions were.

Press reports have suggested that there was widespread opposition to Clinton among rank-and-file agents, who are generally aligned with the Republican Party, although

many mid-level officials, appointed or promoted under Obama, backed the Democrats. Although Comey avoided discussing the issue, agents in the New York office of the FBI were particularly incensed by the decision not to bring charges, and were leaking information to the press and to Republican politicians like former New York City Mayor Rudy Giuliani.

It was agents from the New York office involved in investigating former New York Congressman Anthony Weiner—the estranged husband of Clinton aide Huma Abedin—who confronted Comey in his office on October 27, 2016 with claims that important new evidence on the Clinton email server had been found on Weiner’s laptop.

What ensued was an openly political debate, with the New York agents pressing for a search warrant and a message to be sent to Congress that the Clinton investigation was being reopened. Comey acknowledged that at least one member of his staff said, “Should you consider that what you’re about to do may help elect Donald Trump president?”

Comey sanctimoniously claimed that he was above such political considerations at the meeting, although he admits being aware that the announcement of a reopened investigation would have a huge impact. The next day, he sent “private letters” to the top Republicans and Democrats on eight congressional committees, knowing that the contents would be released to the media almost immediately.

As Thursday’s hearing went on, a series of Democratic senators sought unsuccessfully to get Comey to release more information about the FBI investigation into possible collusion between the Trump campaign and Russian intelligence operatives who allegedly hacked the email system of the Democratic National Committee as well as the email of Clinton campaign chairman John Podesta.

They were joined by several Republicans in portraying Russian hacking as a dire threat to the US political system and to American corporations. Democrat Amy Klobuchar of Minnesota declared, “Russia is actively working to undermine our democracy and hurt American businesses at the same time.” She was echoed a few minutes later by Republican Lindsey Graham of South Carolina, who coaxed from Comey the declaration that as far as the US political system is concerned, Russia is “the greatest threat of any nation on earth, given their intention and their capability.”

The Democrats sought to connect the allegations of Russian hacking with demands for the appointment of a

special prosecutor to oversee the FBI investigation and any criminal cases that are brought as a result. Al Franken of Minnesota asked Comey if Trump’s tax returns would be relevant in such an investigation, but Comey declined to answer. Richard Blumenthal of Connecticut asked directly if Trump was a target of the investigation, and got the same non-response.

While the Democrats and Republicans were at each other’s throats through much of the hearing, re-litigating the role of the FBI during the 2016 elections, they were strikingly united on one issue: securing as much authority as possible for the FBI to spy on American citizens.

Senator after senator declared their support for reauthorizing Section 702 of the Foreign Intelligence Surveillance Act, which gives the intelligence agencies the power to intercept communications between Americans and foreigners, and to incorporate the Americans into the vast databases developed on the pretext of combating “terrorism,” but providing an insight into the political views of millions of Americans.

They also endorsed the FBI director’s campaign to gain access to encrypted hardware and software systems, first made public after the terrorist attack in San Bernardino, California, when Comey waged a public campaign to force Apple to break the encryption of its iPhone.

Comey responded at one point, “I think there’s good news on that front. We’ve had very good, open and productive conversations with the private sector over the last 18 months about this issue, because everybody realized we care about the same things.” He claimed that the US manufacturers were going to develop privacy and security features that would make it possible for them to obey court orders to produce communications.

He added ominously, “I could imagine a world that ends up with legislation saying, if you’re going to make devices in the United States, you figure out how to comply with court orders, or maybe we don’t go there. But we are having productive conversations, right now I think.”



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