

Trump administration charges former FBI director Comey for 3rd time in 13 months

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27 October 2026

Felony charges under the Espionage Act against former Federal Bureau of Investigation (FBI) Director James Comey were made public Monday, marking another escalation in President Donald Trump's drive to establish a presidential dictatorship and subordinate the US government to his personal rule.

The case is part of a series of Justice Department actions against Trump's political opponents in the lead-up to the midterm elections. These include its intervention in the Alaska Senate race, aimed at blocking certification if Republican incumbent Dan Sullivan loses, and the search of Minnesota Representative Ilhan Omar's Washington home. The latter is a political fishing expedition and the culmination of a multi-year and racist campaign by Trump aimed at stripping the first Somali-American congresswoman of her citizenship, deporting her or sending her to prison. Omar, a practicing Muslim, has been an outspoken opponent of the Gaza genocide and the immigration Gestapo.

The political targets were identified well before the charges were brought. As the WSWS reported when fascist Kash Patel was confirmed as FBI director, his book *Government Gangsters* included James Comey on a list of alleged "deep state" enemies, alongside Joe Biden, Kamala Harris, Hillary Clinton, John Brennan, William Barr and John Bolton. In December 2023, Patel declared on Steve Bannon's program: "We're going to come after you, whether it's criminally or civilly. We'll figure that out."

This is the third time in 13 months that the Trump administration has brought criminal charges against Comey, a longtime Republican whom Trump fired in 2017 amid the FBI's "Crossfire Hurricane" investigation. Launched under the Obama administration, the probe centered on alleged ties between Trump's campaign and the Russian government. The Democratic Party and the *New York Times* made these allegations the centerpiece of their opposition to Trump, seeking to advance preparations for war against Russia and redirect mass social anger over inequality behind the foreign policy objectives of US imperialism.

The latest case concerns an alleged disclosure ~~to the~~ on October 5, 2016. Prosecutors claim that Comey directed FBI staff to speak to the newspaper to correct what he considered inaccuracies in a Reuters report published the previous day about Yahoo's cooperation with US intelligence agencies. The Justice Department alleges that, in doing so, Comey caused classified information to be transmitted without authorization.

The *Times* article described how Yahoo had adapted an existing system for detecting spam, malware and child sexual abuse material to comply with a secret surveillance order. The modified system searched users' incoming emails for a computer signature associated with communications by entities designated as foreign terrorist organizations.

Comey faces two felony counts: unauthorized transmission of national defense information and conspiracy to transmit that information, each carrying a maximum sentence of 10 years. The government alleges a disclosure on October 5, 2016 and a conspiracy beginning on or before October 4. The charges invoke Section 793 of the Espionage Act, the same statute used to prosecute Trump during the Biden administration. The alleged conduct differs: Trump was charged under subsection (e) with willfully retaining national defense documents at Mar-a-Lago, where boxes containing classified records were stored after he left office. Comey is charged under subsections (d) and (g) over an alleged disclosures to the press.

Prosecutors filed the charges under seal on October 5, 2026, exactly 10 years after the alleged disclosure and less than a month before the midterm elections. It was Comey who sought to make the proceedings public. His lawyers moved to dismiss the case and secure its unsealing, and the charges became public on October 26 at their request.

The Justice Department did not obtain a grand jury indictment. Instead, it filed a "criminal information," a charging document submitted directly by prosecutors without a grand jury's approval. Comey's attorneys argue that the applicable statute required an indictment within 10

years and that a criminal information cannot be a substitute to meet that deadline. The department maintains that its filing preserved the prosecution before the limitations period expired. Comey cannot be tried on the information alone unless he waives his right to indictment.

In bringing the charges, the administration is reviving an allegation it has previously examined twice during Trump's first term. According to Comey's attorneys, an investigation led by John Durham recommended no charges in December 2018, while a second inquiry by the US attorney's office in Washington closed without charges in February 2020.

In a video released on social media Monday, Comey denounced the latest prosecution as an "appalling abuse of the Department of Justice" and reiterated: "I'm still innocent."

The administration's first case against Comey, brought in September 2025, accused him of lying to Congress and obstructing a congressional proceeding. A federal judge dismissed the indictment after ruling that Lindsey Halligan, the Trump sycophant installed as interim US attorney for the Eastern District of Virginia, had been unlawfully appointed. Halligan, a former White House aide with no prior prosecutorial experience, had no legal authority to bring the case before the grand jury.

The second prosecution, brought in North Carolina in April, concerns an Instagram photograph Comey posted in May 2025 showing seashells arranged on a beach to spell "86 47." Prosecutors charged him with threatening the president and transmitting a threat across state lines. His arraignment has been postponed until January 2027, with a trial date to be set afterward if the case proceeds. His lawyers are seeking dismissal on constitutional grounds, including vindictive prosecution.

The administration has portrayed the photograph as a threat to assassinate Trump, the 47th president. But "86" is a longstanding restaurant slang associated with an unavailable item, refusing service or throwing something out. Comey said he understood the arrangement as a political message and denied any intent to threaten violence.

The administration's professed concern about violent rhetoric is grotesquely hypocritical. At his October 25 rally in Michigan, Trump incited fascist political violence against Democratic Senate candidate Abdul El-Sayed, branding him a "jihadist Muslim Brotherhood member." At the United Nations General Assembly on September 22, he threatened to "annihilate the Islamic Republic" and "drive them into hell with no chance of survival," an open threat to destroy a country of more than 92 million people.

The charges against James Comey were unsealed hours after a federal judge ruled that the Trump administration had unlawfully fired his daughter, Maurene Comey, from her

position as an assistant US attorney for the Southern District of New York on July 16, 2025. In her lawsuit, she alleged that she was dismissed "solely or substantially" because of her father or her perceived political affiliation and beliefs.

US District Judge Jesse Furman ordered retroactive reinstatement and back pay through December 20, 2025, when she took another job. Her dismissal violated federal civil service protections, constitutional separation of powers and her due process rights. The ruling did not resolve her separate First Amendment claim concerning the alleged political motives for her firing.

During nearly a decade as a federal prosecutor, Maurene Comey worked on cases involving Jeffrey Epstein, Ghislaine Maxwell, Sean "Diddy" Combs and former Democratic Senator Robert Menendez of New Jersey. Menendez was convicted of bribery and other offenses in July 2024 and sentenced to 11 years in prison in January 2025.

In defending her dismissal, the administration asserted that the president's constitutional authority allowed him to remove career prosecutors regardless of statutory protections. Furman rejected that argument. The Justice Department announced that it would appeal.

The campaign of retaliatory prosecutions expresses a broader breakdown of bourgeois democratic forms of rule in the United States. As social inequality deepens and a narrow financial oligarchy concentrates wealth and control over ever-wider spheres of society, democratic rights become increasingly incompatible with the preservation of its power. Under Trump, the machinery of government is being subordinated to an imperial presidency, with employment and prosecution wielded as instruments of personal loyalty and political revenge. The democratic shell is giving way, laying bare the dictatorship of the financial oligarchy.



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