

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
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James Comey's Rebuke of Hillary Clinton Fits a 3-Decade Pattern

By MICHAEL S. SCHMIDT and ERIC LICHTBLAU JULY 5, 2016



The F.B.I. director, James B. Comey, before his news conference on Tuesday. Credit Cliff Owen/Associated Press
WASHINGTON — For 15 minutes on Tuesday morning, as the political world held its breath, the F.B.I. director, James B. Comey, laid out in clinical detail how the Democratic candidate for president had misused her private email account.

He did not announce until the very end of his statement that he was recommending that Hillary Clinton, who could be his boss if she is elected in November, should not be subject to criminal charges.

To those who know Mr. Comey, it was a classic performance. Throughout his three decades as a law enforcement official, Mr. Comey, 55, has refused to shy away from thorny issues, often clashing with White House and Justice Department officials about some of the most high profile national security matters.

In 2004, when Mr. Comey was the deputy attorney general, he was at the center of a dramatic dispute within the George W. Bush administration when he refused to reauthorize a secret National Security Agency wiretapping program put into place after the Sept. 11, 2001, attacks.

Mr. Comey believed parts of the warrantless wiretapping program may have been illegal. The rift led to a showdown at the Washington hospital room of Attorney General John Ashcroft, as two of Mr. Bush's top aides, Andrew H. Card Jr. and Alberto R. Gonzales, pressured Mr. Ashcroft to sign the order. Mr. Comey met the next day with the president about the episode, and he and more than a dozen other officials threatened to resign over what they saw as a usurpation of power by White House officials.

Mr. Comey's testimony about the episode before a Senate committee in 2007 was the stuff of a Hollywood film, as he described racing to the hospital in an F.B.I. car with sirens blaring to try to get to the attorney general's room before Mr. Card and Mr. Gonzales could reach Mr. Ashcroft. In his Congressional testimony, Mr. Comey described the events as "the most difficult of my professional career."

"I was angry," Mr. Comey told the committee. "I had just witnessed an effort to take advantage of a very sick man, who did not have the powers of the attorney general because they had been transferred to me. I thought he had conducted himself in a way that demonstrated a strength I had never seen before, but still I thought it was improper."

President Obama appointed Mr. Comey in 2013 to be the F.B.I. director, but Mr. Comey has not shied away from clashing with Mr. Obama's administration. Last October, Mr. Comey gave a speech that said additional scrutiny and criticism of police officers in the wake of highly publicized episodes of police brutality may have led to an increase in violent crime in some cities because officers become less aggressive.

"I've been told by a senior police leader who urged his force to remember that their political leadership has no tolerance for a viral video," Mr. Comey said in a speech at the University of Chicago Law School in October, adding that many leaders and officers to whom he had spoken said they were afraid to address the issue publicly.

"Lives are saved when those potential killers are confronted by a police officer, a strong police presence and actual honest-to-goodness, up-close, 'what are you guys doing on this corner at 1 o'clock in the morning' policing," Mr. Comey said. "We need to be careful it doesn't drift away from us in the age of viral videos, or there will be profound consequences."

The speech angered senior White House officials who contended that Mr. Comey had no evidence to back up his claims and that he was undermining their criminal justice reform efforts. Just days after the speech, Mr. Comey met with Mr. Obama in the Oval Office to discuss their views, but he has continued to voice his opinion on the topic — even as White House officials have maintained there is little to back his views.

Mr. Comey has also pushed a reluctant White House to be more aggressive in helping law enforcement and intelligence agencies on the issue of encryption, despite the fervent opposition of many tech companies that have made it harder for the agencies to legally obtain the communications of terrorists, criminals and foreign agents.