

## FBI a house of lies in Comey era

By Jonathan Turley, opinion contributor — 04/20/18 07:00 AM EDT

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With former FBI director [James Comey](#) reportedly considering a movie deal, events are undermining his narrative by the day, even for a reduced version of “A Few Good Men.” The man Comey described as a “good man,” his former top aide [Andrew McCabe](#), was just referred by the Justice Department’s inspector general for criminal charges. Comey now [says](#) “Good people lie. I think I’m a good person, where I have lied.” That is not exactly the stuff of Tom Cruise yelling, “I want the truth!”

The truth is that Comey and McCabe repeatedly have criticized [President Trump](#) for degrading the FBI, but this week has changed their comments from pointed hyperbole to pathetic hypocrisy. Both men have now done profound harm to the FBI’s integrity and legacy. McCabe

became the first acting FBI director to be fired on the recommendation of career Justice Department investigators.

For his part, Comey became the first FBI director in history to rush a tell-all book to print. While former FBI director Louis Freeh later wrote about his career, it was not a detailed account of an ongoing investigation where he was not only the head but now a key witness. Comey not only apparently declined to confer with special counsel [Robert Mueller](#) about the book's timing, but he went on to reference both disclosed and undisclosed evidence in it.

Weeks ago, I wrote a [column](#) asking why McCabe has not been charged with false statements under 18 U.S.C. 1001 following reports that he lied multiple times about leaking information to the media. After all, the special counsel has handed out such charges like candy to targets in the Russian investigation, including former Trump national security adviser Michael Flynn, Trump campaign adviser [George Papadopoulos](#), Trump campaign deputy chairman Rick Gates, and Dutch attorney Alex van der Zwaan, an associate of Trump campaign chairman [Paul Manafort](#).

Ironically, McCabe's position may have been undermined by the man he once helped to investigate, Michael Flynn, who was indicted and pleaded guilty to a single false statement in denying that sanctions were discussed with Russian diplomats during the presidential transition. There was nothing unlawful or particularly unusual in such a meeting for an incoming national security adviser. Moreover, investigators working under Comey and McCabe reportedly concluded that Flynn was not intentionally trying to mislead them, but Mueller indicted Flynn anyway. After exhausting his savings and selling his house, Flynn agreed to plead guilty.

Unlike the charge against Flynn for lying once about a discussion that would not have been illegal, McCabe was found to have lied not once but four times about an alleged improper leak. Unlike many in the media, the inspector general clearly does not see the difference between these cases and clearly is bothered by the glaring contrast in treatment. Moreover, the inspector general found that McCabe leaked the information solely for his personal interest, not the public's interest. McCabe even tried to use a defense that his colleagues rejected for Flynn: He reportedly said he was "confused and distracted" on those four different occasions.

Undermining McCabe further is a public feud with Comey, his former boss. McCabe has claimed Comey was aware of his leaking the information, while Comey has denied that. After the release of the inspector general [report](#), things went from chilly to positively glacial between them. This week, Comey declared he not only had no knowledge of McCabe's misconduct but that he personally asked for the investigation to discover the source of the leaked information.

He then called McCabe a liar, in that inimical Comey style of first [saying](#) McCabe is a "good person" but that the "inspector general found he lied." The criminal referral could now lead to the bizarre scene of Comey testifying against McCabe. Since Comey has previously testified under oath that he never leaked or approved of a leak, that would be a brutal cross-examination between two self-proclaimed "good men."

McCabe's attorney, Michael Bromwich, already has indicated there might not be room for two "good men" in this drama. He blasted the career officials in the inspector general's office and

[insisted](#) that people should “credit Mr. McCabe’s account over Director Comey’s.” He objected that Comey was less “credible” in his account and complained that the report “paints Director Comey as a white knight carefully guarding FBI information.” Bromwich also has been making Michael Cohen-like threats of suing everyone, from members of Congress on down, for defamation.

McCabe moved quickly to raise his fortunes before his reputation fell. First, he seemingly did not dispute the false narrative, widely reported in the media, that he “lost his pension” by being fired just hours before his retirement. In truth, his pension “vested” after five years, and he has roughly \$2 million in pension benefits. What was potentially lost was payments under a special pension for law officers who retire early.

Many people seemed to believe McCabe was left destitute and donated to a GoFundMe page — a mind-boggling step for a former deputy director of the FBI — to raise money for his legal representation. Its target was repeatedly increased until reportedly raising more than \$500,000. Unlike his donors, McCabe knew what the Justice Department investigated and what the inspector general was likely to conclude. He shut down the fundraising page not long before the inspector general made public its report accusing him of lying repeatedly and before Comey, too, publicly declared him to be a liar.

The case now goes to the U.S. attorney in the District of Columbia, who will have an inspector general report and former FBI director both saying the McCabe lied repeatedly. McCabe may have real need for that defense fund. Of course, some of those donors may be forgiven for now wondering if they were taken by a bait-and-switch campaign where an alleged penniless victim turns out to be the putative culprit.

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