For this Sunday, Feb 26, the Todayh's Issues group will discuss two essays on current events:

From the February 27 issue of the New York Review of Books, page 15, Robert Kaiser, "Fear and Loathing in the FBI" A review of three books about the use of the FBI in the Trump administration

From the Atlantic February 6, 2020, Edward-Isaac Dovere, "How Biden Blew it". This will lead into a general discussion of the Democratic presidential primary race.

How Biden Blew It can be read on The Atlantic's site without a password, just click on the title. A copy of Fear and Loathing in the FBI us attached,

The group meets in the parlor of the Religious Education building next to the church at 9:30 on Sunday mornings. No background is required other than reading the essays. Please do the reading and join our lively discussion.

Fear and Loathing and the FBI
Robert G. KaiserFEBRUARY 27, 2020 ISSUE
Deep State: Trump, the FBI, and the Rule of Law
by James B. Stewart
Penguin, 372 pp., $30.00
Crossfire Hurricane: Inside Donald Trump's War on the FBI
by Josh Campbell
Algonquin Books of Chapel Hill, 276 pp., $28.95
Disrupt, Discredit, and Divide: How the New FBI Damages Democracy
by Mike German
New Press, 339 pp., $27.99
Deputy Attorney General Sally Yates and FBI Director James Comey, Washington, D.C., June 2016
Saul Loeb/AFP/Getty Images
Deputy Attorney General Sally Yates and FBI Director James Comey, Washington, D.C., June 2016
We've been arguing about the FBI since President Theodore Roosevelt established it in 1908. The bureau is a secretive, nosy national police force in a country that originally made law enforcement the responsibility of the states. Under the ugly and aggressive leadership of J. Edgar Hoover from 1924 to 1972, it kept showing up on the edges of our politics, or right in the middle of them, from the Palmer Raids in search of radicals and anarchists after World War I to the harassment of anti–Vietnam War protesters and civil rights activists. Only death could remove Hoover from office, and his departure eventually did lead to significant reforms, but the notoriety of the FBI has endured—thanks often to fiascos of its own making—as has contentious disputation about it.

Here's a typical example: "The truth is that we have a nation that is disgusted with the FBI. We have a crisis of confidence in the number one law enforcement agency in this country." The public figure who said this is not the sort of civil libertarian who typically makes harsh criticisms of the bureau—it was President Trump, writing to his 66 million Twitter followers on September 3, 2019. He added: "Thanks, Comey!"

This was one of dozens of tweets that Trump has aimed at James Comey, whom he fired in May 2017 as director of the FBI. There have been dozens more slamming the bureau for various transgressions, most of them figments of the fecund presidential imagination. Numerous Trump tweets attacked FBI executives and agents by name. Such public denunciations of the government's main law enforcement agency and its personnel from the president himself are without precedent in American history.

Trump won the 2016 election with the help of votes from the kinds of Americans who made Hoover a hero, and he has enjoyed the support of "conservative" Republican members of Congress, heirs to a tradition of opposing liberals who criticized Hoover and the conservative, conformist America he stood for. Trump has transformed all that. Now, his Republican sycophants, particularly in the House, have eagerly joined him in casting doubt on the patriotism and honesty of FBI agents, CIA analysts, and other members of the national security apparatus.

James Stewart, one of the best reporters of his generation, and Josh Campbell, a former FBI agent and special assistant to Comey who now comments on law enforcement for CNN, offer revealing new accounts of the bizarre warfare that has been going on between President Trump and the FBI for three years. Stewart in Deep State writes as a gifted storyteller and thorough reporter. His sources (several of them quite easy to identify) have provided many historical tidbits of interest but no dramatic scoops. Campbell's Crossfire Hurricane is an insider's account (made less useful than it might have been by the publisher's decision not to include an index).

Trump's firing of Comey was, according to Steve Bannon—his most influential aide at the beginning of his presidency—one of the biggest mistakes in modern political history. His stated pretext at the time was Comey's mishandling of the investigation into Hillary Clinton's e-mails, but that was difficult to take seriously. More plausibly, the firing betrayed Trump's sheer fear of what the FBI investigation into his campaign's relations with Russia might uncover. It led directly to the appointment of Robert Mueller as special counsel to continue that investigation. Mueller, who was Comey's predecessor as director of the FBI, became Trump's principal preoccupation for months, the source of chronic anxiety and hostility. If Trump had left Comey in place, the FBI would have completed its investigation into the Trump campaign and Russia, probably with the same ambiguous results that Mueller produced, because Mueller's investigation was conducted largely by FBI agents who had been working on the case before he took it over.

That is speculation, of course. So is any attempt to explain why Trump was so eager to dump Comey, or why, after firing him, he told two senior Russian officials who were visiting him in the Oval Office, "I just fired the head of the FBI. He was crazy, a real nut job. I faced great pressure

because of Russia. That's taken off." Those four sentences are pregnant with implications that have never been explained.

One reads accounts of Trump and Russia with a gnawing question in mind: What's missing here? Curiously, despite all the official investigations and digging by reporters that have informed us about these strange events, the main plotline is full of holes. The books by Stewart and Campbell neither fill all the holes nor, for the most part, even acknowledge them. Yet they illuminate failures by the FBI, Mueller, and other investigators to figure out what was going on between the Trump campaign and the Russians.

My favorite example involves Lieutenant General Michael Flynn, the former director of the Defense Intelligence Agency who accepted $45,000 in 2015 to take part in a gala in Moscow hosted by RT, the Russian government's English-language TV channel. Flynn sat next to Vladimir Putin, though both said afterward that they hardly spoke to each other.

The next year, Flynn became the senior foreign policy adviser to candidate Trump. On November 17, soon after Trump was elected president, he named Flynn his national security adviser. On December 29, the Obama administration announced new sanctions against Russia and the expulsion of thirty-five suspected Russian spies posing as diplomats in the US, in retaliation for Russian interference in the 2016 American election campaign.

That same day, Flynn spoke on the phone to the Russian ambassador in Washington, Sergei Kislyak, more than once. We learned of these calls—but not what was discussed—in a column by David Ignatius of The Washington Post on January 12, 2017. Ignatius had apparently been the recipient of a subtle but dramatic leak from an official who was alarmed by them. The leaker was careful: he told Ignatius only that there had been phone calls and did not reveal their shocking content.

In the calls, Flynn urged Kislyak to persuade his government not to respond in kind against the sanctions, because Trump was eager to improve relations with Moscow, and retaliatory moves by Russia would make that more difficult. From the Russian point of view, Flynn was saying that the new American president wasn't interested in punishing Moscow for its meddling in the election. Like virtually all calls placed to the Russian embassy in Washington, this one was recorded by US intelligence—the FBI and probably the National Security Agency as well.

Revealingly, the FBI apparently transcribed the call and preserved the recording, but no one noticed its contents. When Putin surprised the world on December 30, 2016, the day after the first Flynn–Kislyak phone call, by announcing that there would be no immediate retaliation for Obama's moves, the news baffled James Clapper, the Obama appointee who was still the director of national intelligence.1 Clapper asked the entire intelligence community for any "information the agencies might have that could help explain Russia's lack of retaliation." FBI agents, Campbell writes, "pulsed our systems and found their answer"—the Kislyak–Flynn phone calls.

After the calls were discovered, FBI agents confronted Flynn. He lied about what he and Kislyak had discussed—claiming that they had not mentioned the sanctions—even though he had earlier remarked to FBI Deputy Director Andrew McCabe, who asked him about them, “You know what I said, because you guys were probably listening.”

Sally Yates, the acting attorney general, was so alarmed by Flynn’s lies to FBI agents that she hurried to the White House on January 26 to brief Don McGahn, the new White House counsel. She shared her concern that Flynn was now vulnerable to blackmail by the Russians, who would know that he had lied. Presumably, McGahn passed this information to Trump at once, but Trump held off firing Flynn for eighteen days, until February 13. Soon afterward, Trump pleaded with Comey to go easy on this “good guy.” “I hope you can see your way clear to letting this go, to letting Flynn go,” he told Comey when they were alone in the Oval Office.

So what really happened here? We may never know. The idea that a rather unimaginative military bureaucrat like Flynn, having been given a stunning opportunity to wield real power as national security adviser in the new administration, would go off on his own and negotiate with Kislyak on a phone line he knew was bugged has never made sense. Moreover, we know that before he called Kislyak on December 29, he called his deputy, the former Fox News commentator K.T. McFarland, who was in Florida with Trump at the time. They discussed the new sanctions and what to do next. She could have consulted with Trump, obviously.

Would Flynn, who came up in military organizations that taught their members to respect strict chains of command, have decided to call Kislyak and propose a course of action for the Russian government without his new boss’s knowledge or approval? That Trump took so long to fire Flynn, then pleaded with Comey to forget the Flynn matter, seems like powerful circumstantial evidence that Trump had known about the calls in advance and approved the message that Flynn sent to Moscow via Kislyak. Flynn’s message was fully consistent with Trump’s oft-expressed desire to improve relations with Putin and Russia. Trump has denied any advance knowledge of the Flynn phone call. Stewart implicitly accepts that Flynn acted alone and lied to everyone. I’m not convinced. Why would he have done that? In any event, in December 2017, Flynn struck a deal with Robert Mueller and pleaded guilty to a single count of making “false, fictitious and fraudulent statements” to FBI agents. He switched lawyers in 2019 and asked the judge in his case to allow him to withdraw that plea and to get a new trial. That question is likely to be resolved in February.

Whatever actually happened, the FBI and then Mueller failed to find answers to these questions. We have never learned the truth about the Trump–Russia relationship. Campbell admits this in a tantalizing passage of Crossfire Hurricane. Until July 2018, he writes, he resisted “the long-running narrative among current and former intelligence professionals” that the Russians had something on Trump that gave them leverage over the president’s decision-making. His opinion changed, Campbell says, with the “terrifying episode in Helsinki shortly after Mueller had laid out…the malicious efforts of Russia’s intelligence operatives” to influence our 2016 election.

Appearing with Putin in Helsinki on July 16, 2018, Trump embraced the Russian president's denial of any meddling and rejected the detailed evidence that Mueller had presented the previous February in his indictment of thirteen Russians and three companies on charges of interfering in the election. With that performance, Campbell writes,

President Trump had simply exhausted all reasonable explanation for behavior that consistently put the interests of Russia over those of the United States.

This was almost certainly a key reason behind his full-scale assault on Mueller and the FBI: he was afraid of what Mueller might find.

Hoover loved seeing his name in the papers and made sure every president he worked with knew how much information the FBI kept on the personal lives of politicians and officials. He actively undermined and harassed groups he disapproved of, from the Communist Party to the civil rights movement, without regard for the law or, in extreme cases, common decency. The low point for Hoover's FBI was an anonymous letter it sent to Martin Luther King Jr. that contained evidence of his trysts with women other than his wife and seemed to suggest that he commit suicide. FBI directors of the post-Hoover era have liked to stay out of the news and to protect their agency by helping it stay out of sight. But stuff happens, and suddenly we're again gaping at the brazen doings of our version of Britain's MI5.

Comey gave us a vivid example of FBI-in-the-spotlight when he decided to make a spectacle of the bureau's investigation into Hillary Clinton's personal e-mail server. The matter had come to the bureau from the inspector general of the intelligence community after House Republicans investigating Clinton's role in the Benghazi incident subpoenaed some of her e-mails. The e-mails clearly showed that she was not using the State Department e-mail system but a private one of her own. This led to complaints that she was mishandling classified information, the purview of the inspector general, who decided the matter should be referred to the FBI.

We learn from Stewart and Campbell that there were strong anti-Clinton sentiments in the upper reaches of the FBI. According to Stewart, these were especially prevalent in the New York and Little Rock offices, which had both been involved in numerous Clinton-related investigations. Stewart writes that Jim Baker, general counsel of the FBI under Comey, had heard agents remark, "You guys are finally going to get that bitch" and "We're rooting for you."

The FBI devoted extraordinary resources to the Clinton investigation. Comey was determined not to allow anyone to accuse him of going easy on Clinton, but from the beginning he also worried about the anti-Clinton attitudes in the bureau. As the investigation progressed, it became clear to Comey and his senior associates that there was no criminal case against Clinton, though they also concluded that she had behaved foolishly. Stewart takes the view that Clinton brought the e-mail "scandal" on herself because of her reflexive instinct to preserve her privacy at all costs. A private e-mail system served that end.

Comey emerges from these books and his own memoir, A Higher Loyalty,2 as a strange duck. He can seem to be a preening, self-righteous self-promoter, but also a serious citizen with a deep commitment to public service and the law. He believes, Stewart writes, that the FBI should be "an independent force in American life." This was the role he created for the bureau and himself when he decided to give a news conference to announce the results of the Clinton e-mail investigation in July 2016. There was no precedent since the death of Hoover for such a usurpation of government powers by the FBI director. In effect, Comey had appointed himself investigator and prosecutor. His superiors in the Justice Department were furious, as was the Obama White House. But Comey could not resist asserting his own moral superiority.

He began his statement on July 5, 2016, with ominous language that sounded like a prelude to announcing a case against Clinton. She and her associates had been "extremely careless in their handling of very sensitive, highly classified information," he said. "Any reasonable person in Secretary Clinton's position…should have known that an unclassified system was no place" for their discussions of sensitive matters. But then Comey reversed course: "Although there is evidence of potential violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case." There was, Comey said, no evidence of criminal intent, so there were insufficient grounds to press charges. But that was a decision for a federal prosecutor to make, not the FBI.

How would an ordinary American with no legal training or experience interpret Comey's announcement? Donald Trump had an answer, which he gave at one of his campaign rallies that night: "We have a rigged system, folks."

The story did not end with that July news conference. Because of another remarkable FBI misadventure, it was revived in October in a way that might well have made possible Trump's victory. This was all thanks to one of the least attractive figures in this saga, Anthony Weiner, a former member of Congress and the husband of Clinton's campaign vice-chair Huma Abedin.

The Daily Mail, a British tabloid with a substantial online audience in the US, published an exclusive story on September 21, 2016, about an online sexual escapade involving Weiner and a fifteen-year-old girl to whom he had written suggestively about sexual fantasies, including "rape fantasies." The FBI and the US attorney for the Southern District of New York took over the Weiner case and obtained a search warrant that allowed them to seize his personal electronic devices, including a laptop computer. FBI technicians soon discovered that the laptop held a huge cache of 340,000 e-mails, and many of them came from the domains clintonemail.com and hillaryclinton .com.

An agent in the New York field office realized this could be important and alerted his bosses, who alerted headquarters in Washington, which did…nothing. (Stewart tells this bizarre tale particularly well.) The FBI did not even have a search warrant allowing agents to read everything on Weiner's computer, just the material related to his sexcapades.

One determined agent in New York (whose name Stewart could not learn) kept pressing his colleagues to pay attention to the laptop and its hoard of e-mails. Finally, less than two weeks before the election, FBI agents sorted and read all the e-mails on Weiner's laptop. Comey made the fateful decision to write to Congress on October 28, explaining that the Clinton e-mail investigation had been reopened. Stewart reports that it was "the lead news story for six out of the crucial seven days" that followed. Many concluded that the FBI must have found some kind of smoking gun.

The laptop was studied at the FBI's operational technology division in Quantico, Virginia. Technicians quickly established that it contained roughly 650,000 e-mails. Working around the clock, agents established that there were 3,077 "potentially work-related" e-mails to or from Hillary Clinton, and they read every one of them. None was incriminating. This conclusion was reached over the weekend of November 5–6, two days before the election. Comey wrote another letter to Congress on Sunday the sixth reporting that the review of the newly found e-mails had changed nothing—there was still no criminal case against Clinton.

Did Comey's unprecedented intrusion in a presidential election influence its outcome? Nate Silver, the polling guru, decided that Comey probably did cost Clinton the election, based on the movement of polls in the days after October 28, when she lost a substantial amount of support. Vox published an interesting piece in January 2017 making a similar case. Alan Abramowitz, an academic expert on polling and elections at Emory University, disagrees. "It's very difficult to separate out the effect of any one event from everything else that was going on at the same time," he told me in a recent e-mail. He thought the Comey letters had a relatively small impact on the vote.

Stewart reports the reactions of Comey and his colleagues to the election result. They are also enumerated in the books Comey and McCabe3 have written. They were all heartsick, they say, at the thought that their beloved FBI might have become a tool of electoral politics and influenced a national election. All shared deep doubts about Trump.

Both Stewart and Campbell accept and describe the FBI as they found it. Campbell shows the familiar romantic attachment to the bureau that is typical of its employees. Mike German, another former agent, takes a very different approach in his Disrupt, Discredit, and Divide: How the New FBI Damages Democracy. German left the bureau in 2004 after sixteen years as a special agent, worked for the American Civil Liberties Union for a decade, and is now a fellow at the Brennan Center for Justice at New York University Law School.

German is an angry critic of his old employer. His anger makes his book a useful contribution. Despite the many reforms of the post-Hoover era, the FBI remains an institution apart from American society, still staffed overwhelmingly by white people who tend to be conservative and conventional and prone to big, embarrassing mistakes. The bureau is actually more white today than in 1992, German reports. Just 4.5 percent of all special agents are black and 6.5 percent

are Latino. Just under 20 percent of agents are women; the percentage of women in senior management has declined in recent years.

German starts with September 11, an event that transformed America in ways we still seem reluctant to confront. Robert Mueller had become the director of the FBI ten weeks before and led the transformation of the bureau that followed the attacks. German blames Mueller and his Justice Department colleagues for decisions that changed the FBI "from a law enforcement organization into a full-fledged domestic intelligence agency." Over time, the bureau's attention was redirected from traditional areas of interest like white-collar and political crime and corruption to the creation and maintenance of lists of (largely Muslim) Americans suspected of having sympathy with terrorists. Thanks to the panic induced in official Washington by Osama bin Laden and his disciples, the FBI sought and received vast new powers to surveil Americans, listen to their phone calls, and more.

German reveals that in 2004, an assistant director of the FBI "warned that mortgage fraud was becoming an 'epidemic' that could cause a financial crisis as significant as the [1980s] savings and loan crisis." But Mueller had decimated the FBI's capacity to investigate white-collar crimes, transferring five hundred agents from that assignment to counterterrorism work, though they had no training or experience to prepare them for it. The "skeleton crew" of one hundred agents available to look at mortgage fraud then threw themselves at the wrong target: individual borrowers and small-time mortgage brokers who lied and cheated to get home mortgages. They ignored the big companies that caused the great crash of 2008.

German recounts a long list of FBI transgressions, goofs, and embarrassments. He argues that the bureau's management has been wanting for decades, and that perpetrators of enormous mistakes are rarely held accountable. Some of his stories are familiar, some new, all discouraging.

Comey does not escape German's scorn. He writes that Comey violated "a cardinal rule" in his July 5, 2016, news conference when he rebuked Clinton for being "extremely careless" with her e-mails. That rule prohibits "derogatory public comments [by an FBI official] about an investigative subject's uncharged behavior…. Using information gathered during an investigation to smear a person or organization without giving them a forum to defend themselves is wholly inappropriate," German declares.

His anger calls to mind the failure of Janet Reno, Bill Clinton's attorney general for eight years, to fulfill one of the two symbolic goals she set for herself when she got the job. The first was to rename the Department of Justice headquarters the Robert F. Kennedy Building. This she accomplished. The second was to change the name of the FBI building. She thought a building named for one of the dark figures in American history was inappropriate in the 1990s, but she could not sell the idea of changing it to President Clinton or Congress. So the massive, clumsy structure on Pennsylvania Avenue, a piece of Brutalist architecture, is still the J. Edgar Hoover

Building, a reminder of the cultural divide in an America that could both glorify and denounce the man who created the FBI.

1
The news did not surprise Flynn, because Kislyak had called him back to tell him his advice had been accepted in Moscow. ↩

2
Flatiron, 2018; reviewed in these pages by Tim Weiner, August 16, 2018. ↩

3
The Threat: How the FBI Protects America in the Age of Terror and Trump (St. Martin's, 2019). ↩