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OPINION | REVIEW & OUTLOOK (U.S.)

Rod Rosenstein's Justice

The Deputy AG had good reasons for Trump to fire James Comey.

May 10, 2017 7:19 p.m. ET

Nixon. Watergate. Tuesday night massacre. Coup. Dictator. Impeachment. Those are the words political elites are throwing around after President Trump's firing of FBI Director James Comey, and that's in the *news* stories. The meltdown reflects the temper of the times and hostility to Mr. Trump, but it also ignores the need to repair the damage that Mr. Comey has done to the Justice Department and FBI.

Most of the political class loathes this Administration, and so the natural default is that it must be lying about the reasons for Mr. Comey's dismissal. If you're invested in the Trump-Russia collusion



Rod Rosenstein, nominee to be Deputy Attorney General, testifies before the Senate Judiciary Committee on Capitol Hill, March 7. PHOTO: REUTERS

Potomac Watch, May 10

The Firing of James Comey



theory of the 2016 election, you assume this is a cover-up. The references to Mr. Comey's handling of the Hillary Clinton investigation are an excuse, a deception, a Big Con.

Not that the White House does much to rebut these claims. A terse 6 p.m. press release doesn't answer many questions. Neither Attorney General Jeff Sessions nor Deputy AG Rod Rosenstein held a press conference to explain their memos recommending dismissal. Mr. Trump managed to inject his ego even into his dismissal letter to Mr. Comey, saying that "I greatly appreciate you informing me, on three separate occasions, that I am not under investigation."

And on Wednesday the White House descended into a leak-fest with

aides depicting Mr. Trump as raging at Mr. Comey even as he was conflicted about firing him. This crowd couldn't sell gold bars to inflationists.

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Yet for those willing to take Mr. Rosenstein's memo seriously, there

are good reasons for canning Mr. Comey that don't trade in conspiracy. And his arrival at Justice may also explain the timing of Mr. Comey's firing.

Mr. Rosenstein was confirmed by the Senate only two weeks ago, and one of his obvious first tasks was to dig into the Russia probe because Mr. Sessions has recused himself. Senate Democrats demanded this during the confirmation hearing as they pressed him to name a special counsel. This also meant contemplating the role and responsibility of Mr. Comey and the FBI in the Justice Department hierarchy.

One concern of longtime prosecutors and former Justice officials is that Mr. Comey became a force unto himself. He didn't tell Attorney General Loretta Lynch until the last minute that he would hold his July press event exonerating Mrs. Clinton. His excuse afterward was that Ms. Lynch was compromised after meeting with Bill Clinton on an airport tarmac. But then what about Deputy AG Sally Yates? What was she, a potted plant?

Federal Judge and former Deputy AG Laurence Silberman laid out these and other concerns in these pages on Feb. 24. His conclusion—that Mr. Comey's "performance was so inappropriate for an FBI director that I doubt the bureau will ever completely recover"—resonated widely across the government.

And it must have resonated with Mr. Rosenstein, who quotes Mr. Silberman in his memo to Mr. Sessions. He also quotes a long list of former Justice officials from both parties who have been highly critical of Mr. Comey's violation of Justice Department standards. Mr. Rosenstein clearly understood he had to re-establish supervisory

control over the FBI as a matter of accountable government.

This is one of the reasons we advised Mr. Sessions in January to seek Mr. Comey's resignation, and if he refused to recommend that Mr. Trump fire him. The timing would have been better with the change of Administrations. But Mr. Sessions had to recuse himself from the Russia probe, and the scenario we recommended eventually took place when Mr. Rosenstein arrived.

Many will now believe that Mr. Rosenstein must also be part of the cover-up, but nothing about his career suggests that is how he'd behave. He was confirmed 94-6 even in this era of polarized politics because Democrats respected his record as a U.S. Attorney under Presidents Bush and Obama. Radical thought: Maybe Mr. Rosenstein really believes the FBI needs a director who isn't a political rogue.

Democrats are now demanding that someone other than Mr. Rosenstein name a special counsel for the Russia probe, but any decision should still be his and we hope he resists—again for the integrity of the Justice Department. Mr. Comey is again the best example to avoid.

As Deputy AG under George W. Bush, Mr. Comey named his pal Patrick Fitzgerald as a special counsel to investigate the Valerie Plame leak. Mr. Comey thus ducked personal responsibility while garnering plaudits in the press and from Democrats. The case fizzled to a perjury rap against Scooter Libby that has been discredited by subsequent evidence.

There's no reason to think that Mr. Rosenstein can't honestly supervise the Russia probe with the help of a new FBI director with a reputation for independence. One strong candidate would be Stuart Levey, a lawyer now in private business who ran the Treasury's counterterrorism finance operations for Presidents Bush and Obama. He is highly respected, and Mr. Obama considered him for the FBI before his unfortunate choice of Mr. Comey.

Modern Washington wants to distill every dispute into a binary fight for power, every decision as a calculation about political gain. But sometimes there are other principles at stake, and not everyone is a partisan hack. It's always possible Mr. Rosenstein believes he was acting in the best interests of the FBI, the Justice Department, and the country.

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