

## Comey ‘Vindictive’ In Prosecuting Martha Stewart, Lets Clinton Slide

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FBI Director James Comey declined to recommend criminal charges against former Secretary of State Hillary Clinton for mishandling classified material Tuesday. But back in 2004, he led what legal observers call a “petty and vindictive” prosecution against interior design icon Martha Stewart for a lesser offense.

Stewart served a five-month prison sentence in 2004 at the Federal Prison Camp in Alderson, West Virginia, also known as “Camp Cupcake,” for lying to federal investigators about possible insider trading. In the years since the case, there is a consensus in the legal community that Comey’s prosecution was overzealous and vindictive.

The Cato Institute’s Gene Healy condemned Comey’s actions as temperamental and political in a [2004 column](#). Healy argued that Stewart’s indictment was largely possible because the sheer volume of federal laws makes it possible to indict almost any individual on some basis — reasonable or unreasonable. Quoting former Supreme Court Justice Robert Jackson, Healy wrote prosecutors “will pick people that he thinks he should get, rather than pick cases that need to be prosecuted.”

His Cato colleague Alan Reynolds argued Comey prosecuted Stewart for “having misled people by denying having committed a crime with which she was not charged.”

Meanwhile, observers on the left called on President Barack Obama to pardon Stewart.

“Although some enjoyed *schadenfreude* at Stewart’s expense, the government’s case did seem petty and vindictive,” wrote Michael Maiello at [The Daily Beast](#). He also pointed out that federal prosecutors would have had “a devil of a time” proving that Stewart was aware the advice she acted on was “tainted by material, nonpublic information.”

Even officials at the U.S. Department of Justice were sympathetic to concerns voiced by Healy, Reynolds, and Maiello.

“A Justice Department spokesman said that the government was concerned that the decision to send Ms. Stewart to Alderson would be perceived as vindictive. But that official, who asked not to be identified, insisted Ms. Stewart’s fate had been sealed by her own fame,” the New York Times [reported](#) in 2004.