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[FBI Lied to Congress While Spying on Anti-War Groups](#)

Posted on: September 23, 2010 10:03 AM, by [Ed Brayton](#)

Julian Sanchez [writes](#) at the Cato Institute blog about a [new report \(PDF\)](#) by the DOJ's Inspector General, which concludes that the FBI lied to Congress about spying on anti-war groups engaging in legal protest.

Now we learn that an FBI supervisor, in an exercise of spectacularly poor judgment, sent a rookie out to monitor an antiwar rally--evading the charge of monitoring Americans based exclusively on the basis of First Amendment protected activity only because of the laughable pretext that said rookie was there to eye the crowd for any international terrorists who might be in attendance.

And here's where the lies begin:

But when Congress got wind of this and began to inquire into why this had occurred--and why said rookie had filed a report on "antiwar activity" that focused on whether any persons of apparent "Middle Eastern descent" had been involved--the OIG found that *someone* at the FBI had utterly fabricated a retroactive justification for the investigation, involving dubious "terror suspects" that nobody had actually believed at the time might be present at this rally.

According to the FBI, this fabrication was then offered up by FBI Director Robert Mueller before the Bureau's overseers in Congress. This leaves us with a limited number of possibilities. One is that the head of the FBI was aware of and welcomed what the OIG determined to be a complete invention designed to cover up for an improper investigation. If that's what happened, the head of the FBI committed perjury and should be prosecuted for it. But the OIG doesn't believe that's how it went, and I'm inclined to believe them: It would be irrational to risk perjuring oneself before the Senate Judiciary Committee over a minor error like this, however foolish.

But then *someone* gave the FBI director a pack of lies to feed to Congress, and the OIG was inexplicably unable to trace this fabrication to its source--which even allowing for the FBI's massively dysfunctional computer systems seems implausible. So now we have a pressing question: If we don't think the head of the FBI decided to lie to Congress, who concocted the lies he told them? Are we to believe that the nation's top cops are either so inept or so indifferent to the question that they can't answer it? I suspect they very well could find out if they were so inclined. If they don't, and if there are no consequences for this clumsy cover-up, why should we believe that congressional oversight of intelligence will ever discover or check abuse of investigative power? The message will be clear: Concoct lies to protect your bosses, and your colleagues will wink at your

deception, perhaps grateful for having been spared the obligation of making up their own lies. One lie out of a hundred might be called out in an OIG report--they only have so much time and so many resources--but even if it is, no harm will come of it. The investigators will be mysteriously unable to identify the liar, and everything will blow over. Why risk telling the truth? The initial fuss will subside, and Americans will soon enough be distracted by the next episode of Jersey Shore.


Of course they could find out who actually concocted the lie. But the only people who actually get tried for lying to Congress are baseball players who lie about things Congress shouldn't even be asking about. When it comes to government officials, such prosecutions are exceedingly rare.

But don't worry, the FBI is very sorry and they'll never do it again. Until the next time they do it.

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If the FBI's chain of custody for documents is so poor that it can't keep track of the source of false information used for congressional testimony, then it obviously isn't good enough to convict anyone of anything "beyond a reasonable doubt".

How can anyone rely on any testimony that an FBI agent gives if the director of the FBI can testify to a lie and not be able to find out how it happened?

Posted by: [daedalus2u](#) | [September 23, 2010 10:14 AM](#)

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At some point we became a country where the federal government can literally do almost whatever it likes without any fear of legal consequences. I can't imagine how congress can sit and watch as the executive branch essentially laughs at the idea of them actual performing any oversight.

Posted by: penn | [September 23, 2010 10:27 AM](#)

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I am sure that that "someone" was told precisely what to do by FBI Director Robert Mueller himself, in order to cover his lying to Congress.

Posted by: [Reverend Rodney](#) | [September 23, 2010 10:36 AM](#)

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Who cares if they had one guy in or near a crowd of anti-war protesters? Did the guy stop them from protesting? No. This is a really weak attempt to take a stab at the FBI and it fails. Hard.

Posted by: Queef | [September 23, 2010 11:05 AM](#)

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