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## October Surprise and the Stage Two Conflict

By Marc Nuttle



Loretta Lynch  
U.S. Attorney General



James Comey  
FBI Director

In American Presidential politics, we are aware of and expect October surprises – an oxymoron if you think about it. How can it be a surprise if we expect it? Last Friday, FBI Director James Comey met our expectations by producing a doozie of a surprise. He informed Congress in writing that he was resuming his department's investigation into Hillary Clinton's email debacle. These newly discovered emails were connected to Huma Abedin, a close Clinton aide. Immediately, all partisan leaders and media talking heads denounced his action as questionable and unprecedented. No one seemed concerned about why the emails had not been disclosed or if they contained substantive evidence.

What is questionable and unprecedented is the silence of U.S. Attorney General Loretta Lynch. She has made no public comment, only suggested innuendo that she did not recommend disclosing the new emails discovery. The FBI operates under the jurisdiction of the U.S. Department of Justice (DOJ). Director Comey reports to both the

Attorney General and the Director of National Intelligence. Unlike the Central Intelligence Agency (CIA), the FBI has enforcement authority and is primarily a domestic agency. The FBI does not indict citizens. It can make a recommendation only. It investigates and collects information. These findings are referred to the DOJ which then makes the decision on whether or not to indict and prosecute. Normally the agencies work together to protect a citizen's rights and integrity. Only the law, and never politics, should be considered in the enforcement of a federal law.

The two federal agencies, the Department of Justice and the Federal Bureau of Investigation, are in constitutional conflict with each other, and therefore, represent a Stage Two Conflict in our American government.

A stage one conflict is partisan gridlock with which we are more than familiar. Many times in our history, political leaders have put partisanship and party above principles. Abandoning principles has a deleterious effect on the ventilation of major issues of concern to the populace. Policy debated from a point of view of partisanship, by its very process and protocol, divides and alienates people. Without principle as the foundation for debate, segments of society are pitted against each other in what each sees as a matter of survival. This partisanship, if left to fester, infects other functions of the government process.

When Bernie Sanders advances the doctrine that the system is flawed in that 1% controls most of the wealth, he has not only distorted the truth, he implies that the system is corrupt and that one sector of society must be restrained and restricted by law. He provides no quarter for society as a whole. America today is not France in 1789. Then, the French monarchy was not only the 1% in control of all wealth, the royal system oppressed the average citizen. Unlike in America, there was no due process of law. A revolution was the result.

A stage one conflict has been resolved in the past by the people, in their collective wisdom, through the compromise of the ballot box. As citizens, we seek to elect leaders who will respect the rights of all Americans through constitutional protection -- leaders who believe no one is above the law. Partisanship should never be the standard over principles. In this conflict between the Justice Department and the FBI, the lingering prolongment of partisanship has resulted in two agencies of the same national security community off-course in purpose.

For the people to believe in their government, they must have the confidence that the rule of law and constitutional protections are applied equally to all citizens, regardless of race, creed, color, sex or party affiliation. A.G. Lynch could have convened a grand jury to allow citizens to determine whether or not a crime had been committed in reference to Secretary Clinton's emails. She declined.

Further, as the FBI was bringing its investigation of the emails to a close, A.G. Lynch met with former President Bill Clinton in an impromptu meeting, without announced schedule, on her government jet. President Clinton's jet just happened to find itself



close by. We are to believe this wasn't planned, that President Clinton looked out his window and by surprise noticed that the A.G.'s plane was parked wing tip to wing tip. He then decided to go knock on her airplane door and have a chat.

Really?

To this day we do not know what was discussed. It was by accident that the meeting was discovered by a sentient reporter. Soon after this meeting, Director Comey decided to go public with the conclusions of the investigation and recommend no indictment of Hillary Clinton. Holding a press conference to divulge investigative findings is unusual, but not unprecedented. Why did he do this? Was he afraid that the findings would never see the light of day when submitted to a compromised Department of Justice?

The secret meeting between Bill Clinton and Attorney General Lynch breached the responsibility of both officials to hold themselves to be above even the appearance of impropriety. Nothing is more important to the stability of democracy than the principle of the equal protection of the constitution for all citizens and that no one is above the law. This principle is the sinew that holds us together in common culture as a democracy and distances us from the kingdoms of Europe of the Middle Ages. This ill purposed meeting was unacceptable and outrageous. Its timing lends to the hyperbole of corruption.

The critical nature of this conflict is that the two agencies involved are the same community of government that's purpose is to enforce the law and protect the citizens against domestic and foreign criminals. This would be like the Army and Navy in dispute with each other over operations while at war. The result would be devastating.

If not corrected, a stage two crisis can easily lead to stage three. A stage three crisis is when the people begin to take matters into their own hands, feeling that only they, individually, can protect themselves and their family's liberty. Incivility and lack of respect for law is the result of a people losing ultimate confidence in their government authorities. Partisanship pursued over principle is the ultimate driving force in unbridgeable division.

Today our democracy is so desperate for leaders who will put principle above personal gain and partisanship. Hillary Clinton and Huma Abedin have both been under subpoena to produce all emails in respect to the scope of the FBI investigation. They have not apologized for these newly found emails. They have not offered to go back and look for the origin of these new emails and release them themselves. They have not offered any apologies whatsoever. They proffer only condemnation of Director Comey for releasing the letter within eleven days of the election. It's as if they believe they were able to escape into some unwritten rule of a "safe zone" where such issues are beyond reach. It's as if they're not sorry they did it, only sorry that they've been caught. Donald Trump is criticized for not releasing his tax returns. But, he is not under investigation nor required by law to produce said documents.

Partisanship applied is the consummate conflict of interest with uniting principles.



Partisanship, left unchecked by principles applied, leads to corruption in government.

In this momentous year of 2016, it is imperative that, after this cardinal election, we not lose faith in our democracy, but recommit and rededicate our collective energies to a new movement of hope based on a foundation of principles. And in this hope, rest in the belief that there is manifest truth in the promise that a government can be perpetuated subservient to the will of the people.

My name is Marc Nuttle and this is what I believe.

What do you believe?



**Marc Nuttle** is a lawyer, author, consultant and businessman who's had a varied career. He has represented and advised Presidents of the United States, leaders of foreign countries, state officials and corporations. Marc has worked on government policy and has predicted economic trends. Marc is Chairman of The Oak Initiative Board.

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