

BILL BARR'S DOJ ENGAGED IN CONSPIRACY TO DEFRAUD THE US ON TRUMP'S JULY 25 MEETING

Yesterday, I wrote a long post showing that DOJ *could not have* followed their most basic investigative protocols when it got the whistleblower complaint in late August. Had they done so, one of the first steps would have been to see what material FBI already had on all the people named in the complaint. And because a profile of Lev Parnas and Igor Fruman was cited 4 times in the complaint (though their names did not appear in the complaint itself), the original assessment of the complaint should have discovered all the things DOJ already knew about their influence operation, which at that point would have included:

- Parnas and Fruman were funded by a big transfer from an attorney specializing in helping foreigners launder money
- They were using that money to provide straw donations to Republicans, most notably a \$325,000 donation to a Trump SuperPAC
- Those donations tied to meetings with the recipients and actions on Ukraine shortly thereafter
- Parnas was involved in Rudy Giuliani's disinformation

campaign on Ukraine

This table shows what DOJ probably learned by when. Once one part of DOJ got new information on the grifters, that information would have become available to anyone doing a search on their name in FBI databases.

Date	Location	Information
Prior to February	SDNY	March 3, 2018: Igor Fruman attends event April 11, 2018: GEP created Early May, 2018: Fruman and Parnas attend White House event May 17, 2018: GEP donates \$325,000 to American First Action June 21, 2018: GEP donates \$50,000 to Ron DeSantis June 25, 2018: Fruman and Lev Parnas max out to Pete Sessions
After February 14	Barr	Briefing on SDNY investigation
May	Unknown	Rudy dossier including anti-Yovanovitch material sent from White House to Mike Pompeo, including draft John Solomon column emailed to Joe DiGenova, Victoria Toensing, and Lev Parnas
June 20	SDNY	Parnas vehicle Aaron Investments receives \$1,260,329.80 wire transfer, marked GEP, from a Miami real estate attorney named Russell Jacobs who specializes in laundering foreign money
August 15	John Demers (NSD), then Jeffrey Rosen, Brian Benczkowski	Multiple people had raised concerns about Mr. Trump's call Contents of transcript, including Trump's invocation of Bill Barr and Rudy Giuliani and requests for dirt on 2016 and Biden
Late August	Public integrity	Complete whistleblower complaint, including concerns about OMB withholding aid and repeated references (though not by name) to profile on Parnas and Fruman
Unknown date (several weeks before October 18)	Brian Benczkowski Fraud prosecutors	Rudy and two other lawyers pitch bribery defendant

Thus, had DOJ done what it does in virtually all its other assessments of tips (particularly those that have a national security component), line investigators would have discovered that the July 25 call was obviously a part of the influence operation – including Parnas and Fruman, but also Rudy by that point – already under Full Investigation in SDNY.

DOJ explained how it managed to do so by claiming, falsely, that there was no firsthand knowledge reflected in the complaint itself, and so rather than using the complaint (which included that reference to Parnas and Fruman), they used the call transcript, which did not mention the Ukrainian grifters. Because it mentioned Rudy, queries on his name would *still* have made it clear that the call was part of an influence operation, though it's possible and defensible that (as happened with the Trump Russian investigation, at least at first) DOJ did not do the same kind of back door searches they would do on everyone else because Rudy was a politically sensitive person.

But it turns out that's not the only way DOJ affirmatively prevented people from connecting

the dots in a national security issue.

Yesterday, MoJo reported on another way that DOJ prevented anyone from connecting the dots. Under a Memorandum of Understanding in place with the FEC, DOJ should have shared campaign finance related complaints with the FEC so they can assess whether the complaint merits civil penalties.

But under a 1978 memorandum of understanding between the department and the FEC—which, like Justice is authorized to penalize campaign finance violations—the complaint should have been passed onto the FEC even if the department declined to launch a criminal investigation, so the election watchdog can determine whether a civil penalty is called for.

Earlier this month, Klobuchar set out to uncover whether the Justice Department had honored this agreement, sending two letters to the FEC inquiring whether it had received any such referral. On October 18, the commission's Democratic chair, Ellen Weintraub, confirmed to Klobuchar that the FEC had not been notified. "The refusal to inform the FEC and refer the matter regarding the President's call to the FEC as required to do, as the Justice Department is required, undermines our campaign finance system and is unacceptable in a democracy," Klobuchar said in Tuesday statement.

FEC, of course, already had the original and supplemental CLC complaint about Parnas and Fruman, so they might have connected the profile showing their work for Rudy, included in the whistleblower complaint, with the President's demand that Volodymyr Zelensky cooperate with Rudy's antics on the call.

By not referring the complaint, then, DOJ

prevented FEC from connecting the dots, just as treating the call record instead of the complaint itself as the referral prevented Public Integrity investigators assessing the complaint from doing so.

Again: this kind of dot-connecting is what FBI and the rest of our investigative apparatus have been refocused on doing since 9/11, specifically to ensure that any threats to the United States will be identified as quickly as possible. But when such dot-connecting would have knowably implicated powerful Republicans, including the President, it magically didn't happen in this case.

Unless DOJ can come up with a good explanation for why they failed to share the unclassified part of the complaint with FEC (I'm waiting for DOJ to say that once Matthew Petersen resigned on August 26, just as DOJ was assessing the complaint, the MOU lapsed), then the failure to do so constitutes a willful attempt to thwart FEC from doing its job, something Ellen Weintraub lays out clearly in her letter to Amy Klobuchar. As far as she knows, the MOU remains intact, and therefore DOJ was obliged to share the complaint.

As the Commission explained earlier this year, the MOU³ between the FEC and the DOJ remains active. Though some DOJ-published materials state that DOJ no longer considers the agreement to reflect its current policy,⁴ it has not renegotiated the agreement with the Commission.⁵ Indeed, the Commission confirmed in its May response to oversight queries from the Committee on House Administration that the Commission continues to rely on the MOU:

In 1977, the Commission and DOJ entered into a Memorandum of Understanding (MOU) relating to their respective law enforcement jurisdiction and responsibilities. The MOU remains the primary

guidance/procedural agreement used by the Commission to assist in collaboration and consultation efforts (including referrals) between the Commission and DOJ.⁶

The Commission has taken no action to change its position that the MOU is the primary guidance and procedural agreement used by the Commission to assist in collaboration and consultation efforts (including referrals) between the Commission and DOJ.

It turns out that deliberately undermining FEC's ability to do its job is a crime, one of the same crimes that Parnas and Fruman got charged with, the same crime that Bill Barr's DOJ is vigorously prosecuting against the Russian trolls (though which a recent decision from Dabney Friedrich may put at risk): Conspiracy to Defraud the US.

There's zero chance, of course, that Bill Barr will charge his top aides with thwarting the ability of the FEC to connect the dots on a referral that directly ties to another complaint already in their hands. But we should be clear that DOJ appears to be engaged in undermining the proper functioning of the campaign finance system in the same way Russian trolls and Parnas and Fruman have been accused of doing.