

JOHN DURHAM'S ETERNAL CROSSFIRE HURRIFLAME

In recent weeks, Billy Barr seems to have decided that even the softball interviews with reporters he has known since the Poppy Bush Administration were too rigorous. He has sat for interviews with two unashamed propagandists, first Laura Ingraham and this week, Hugh Hewitt, to argue for expansive executive powers in the name of liberty during a pandemic.

In both, however, Barr used the opportunity to do what got Jim Comey fired, talk about an ongoing investigation. To Ingraham, he claimed that the investigation into Trump, “sabotage[d]” – and then he corrected himself – “ha[d] the effect of sabotaging” Trump’s Presidency.

INGRAHAM: The president is very frustrated, I think you obviously know that – about Andrew McCabe, and he believes that people like McCabe and others were able to basically flout laws and so far with impunity.

BARR: I think the president has every right to be frustrated, because I think what happened to him was one of the greatest travesties in American history. Without any basis they started this investigation of his campaign, and even more concerning, actually is what happened after the campaign, a whole pattern of events while he was president. So I – to sabotage the presidency, and I think that – or at least have the effect of sabotaging the presidency.

From this, I can only conclude that Trump is a far more fragile man than Poppy Bush, who managed to withstand an investigation – Iran-Contra – and still govern far more competently

than Trump. Or perhaps Barr just concedes that covering up for Trump's crimes is a greater challenge than it was to cover up the sprawling nest of corruption and presidential abuse that Ronald Reagan and Poppy engaged in? Whatever it is, Barr implies that Trump is not the measure of his first presidential boss.

With Hewitt, Barr said contradictory things that surprised even Hewitt about how the Attorney General would interpret DOJ guidelines about announcing indictments during an election.

HH: Now Mr. Attorney General, I want to close with a couple of specific issues. The investigation of U.S. Attorney John Durham into the circumstances surrounding the surveillance of President Trump's campaign, transition, and early administration, does that investigation remain on track undisturbed by the virus?

WB: Yes.

HH: There are guidelines concerning the announcement of indictments or the closing of the investigations prior to the election. When is that deadline for U.S. Attorney Durham? And do you think he will make it either to disclose indictments or to disclose that the investigation is over?

WB: As far as I'm aware, none of the key people that, whose actions are being reviewed at this point by Durham, are running for president.

HH: But would not the announcement of indictments after a time certain have an impact on an election of the sort that the U.S. Attorney's manual recommends against?

WB: Well, what is the sort that the attorney manual recommends against?

HH: As I recall, this came up with

Director Comey making his announcement, and the concerns in 2016 that he had acted improvidently during the run up to the election. I don't recall what the exact timing is.

WB: Yeah, well, that was directly as to a candidate.

HH: And so it would not matter, in your view, if there is an investigation, and the day before the election, someone is indicted?

WB: Well, you know, I think in its core, the idea is you don't go after candidates. You don't indict candidates or perhaps someone that's sufficiently close to a candidate, that it's essentially the same, you know, within a certain number of days before an election. But you know, as I say, I don't think any of the people whose actions are under review by Durham fall into that category.

HH: That's big news to me. I had assumed that they would be in the category of people that could not be indicted given the obvious connection to President Trump, but I'll take the news and I'll put it away.

Barr's comments undermine every single thing any Fox commentator (as he seems to have become) has said about the investigation into Carter Page, suggesting that DOJ rules protecting elections only apply to the candidate himself, and not even if the candidate was targeted for electoral purposes during an election, as Hillary was by the Clinton Foundation investigation.

But it also suggests that Barr imagines this might extend at least past August, when the deadline would normally trigger.

Later in the interview, Barr got snippy (again, this is with a propagandist, not even a softball

real interview) when Hewitt asked if any results were imminent.

HH: Are you shocked by what you have found to date or have been briefed by U.S. Attorney Durham to date about?

WB: I wouldn't use the word shocked, right? You know, I'm very troubled by it, but you know, I think the reason that we have this investigation is because there are a lot of things that are unexplained. And I think we're getting deeply into the situation, and we'll be able to sort out exactly what happened.

HH: I'm not going to ask you, because you wouldn't answer whether there will be indictments or not. But when do you expect that the public will know a definitive assessment of where the U.S. Attorney Durham is going?

WB: As soon as we feel we have something that we are confident in to tell the people about.

HH: Is that imminent?

WB: No, it's not imminent. But I'm not sure what imminent means. I'm not sure what imminent means, but it's not imminent.

But in suggesting nothing will happen right away, Barr admitted that, in spite of his bold claims about how bad all this is, they don't yet have confidence in any story to tell the American people.

With Ingraham, he even suggested there might not be evidence to support the claims he was making to his propagandists.

LAURA INGRAHAM, FOX NEWS: What can you tell us about the state of John Durham's investigation? People have been waiting for the final report on what happened

with this –

ATTORNEY GENERAL BILL BARR: Well, I think a report maybe – and probably will be a byproduct of his activity, but his primary focus isn't to prepare a report. He is looking to bring to justice people who are engaged in abuses if he can show that they were criminal violations, and that's what the focus is on. And as you know, being a lawyer you yourself, building these cases – especially the kinds of sprawling case we have between us that went on for two or three years here, it takes some time – it takes some time to build the case. So he's diligently pursuing it. My own view is that the evidence shows that we're not dealing with just mistakes or sloppiness. There is something far more troubling here, and we're going to get to the bottom of it. And **if people broke the law, and we can establish that with the evidence**, they will be prosecuted.
[my emphasis]

That is, Barr is suggesting he has found a smoking gun. But even sitting with his propagandists, he is also backing off any claim there's evidence of a crime.

Barr made this statement *before* SSCI reported their unanimous verdict that the Intelligence Community Assessment of the Russian attack, produced for Barack Obama during the same period the investigation into Trump started by the same Deep State people Barr claims were trying to sabotage Trump, correctly found that Vladimir Putin was personally in charge of the effort and one goal of the effort was to support Trump. The report is highly redacted, and the unclassified summary released back in July 2018 is, in some ways, actually more informative. The report notes that those who did the ICA were not briefed on the investigation into Trump's people or any other ongoing investigation and didn't know of Christopher Steele's ties to the

Democrats. Nevertheless, the report makes clear that Putin set out, in part, to help Trump.

Meanwhile, actual journalists at CNN report that – almost a year after Barr appointed Durham to investigate the first six months of the Crossfire Hurricane investigation – Durham has continued to expand his team.

Amid the pandemic, Durham and a team of prosecutors and investigators have continued their work, even requesting witness information after the country largely shut down in March because of coronavirus restrictions, according to people briefed on the investigation. Leading up to the lockdown, Durham's team had spent many days a month reviewing classified intelligence inside a special facility for reviewing classified documents known as a SCIF.

In recent weeks Durham has added to his team of investigators who operate in Connecticut and Washington, DC, including FBI agents and the chief of the violent crimes and narcotics section in the US Attorney's Office in Washington, Anthony Scarpelli, people familiar with the probe said.

Durham needs a DC-based prosecutor to make any prosecutorial decisions on Kevin Clinesmith, the FBI lawyer who altered an email. So it's unsurprising there is a prosecutor involved; what's surprising is that he's a violent crimes prosecutor, not a white collar crime one. And even there, Durham got a referral for Clinesmith at least by December 9, over four months ago, and yet DOJ hasn't decided either that Clinesmith committed a crime (unless they gave him a plea deal to implicate others).

To be sure, the scope of Durham's investigation has expanded, reportedly to include at least the early 2017 investigation. But if even if that scope continues through the Mueller appointment

on May 17, 2017, it would mean Durham has been investigating ten months of an investigation for eleven months, with resources (including multiple prosecutors) that the investigation in question didn't even have before Mueller's appointment. Barr's suggestion that this investigation will continue at least until August means that the Durham investigation will easily last longer than the known temporal scope of the investigation it is investigating. And all the while, we have no transparency on budget or FTEs that we had from the Mueller investigation.

Instead, we have only the claims of a guy breaking DOJ's own rules about ongoing investigations who has already been rebuked by a judge for lying to help Trump.