

DOJ HID MATERIAL COMMENTS ABOUT BRANDON VAN GRACK FROM JUDGE SULLIVAN IN THE WILLIAM BARNETT 302

The redactions on the 302 of William Barnett – the pro-Trump FBI Agent who recently gave an interview riddled with contradictions that Republicans have tried to use to undermine the Mike Flynn case – look like they were done by a five year old with finger paint.

It appears there were at least two and possibly three passes on redactions. There are redactions with rounded edges that appear to redact information that is actually classified. There may be more substantive redactions done of full sentences, including a passage marked to be “pending unsealing” by the court. There’s information on the investigation into Mike Flynn’s secret work for Turkey that is redacted, too, which is problematic, given that Judge Emmet Sullivan asked about that investigation into Flynn in Tuesday’s hearing. It’s clear from the unredacted bits of the 302 that Barnett had fewer problems, if any, with that investigation than he did with Flynn’s cover-up of his calls to Sergey Kislyak, so by redacting those discussions, the FBI is hiding Barnett making positive comments about part of the investigation into Flynn.

Then there’s a bunch of stuff – that includes names but also material that appears to be unflattering to General Flynn – that appears to have been redacted with block redactions after the fact, such as this redaction that seems to fade away to nowhere.

The redactions of names are a mess too, with irregular box redactions and in a few places,

different typeface sizes.

That's mostly aesthetics. But it suggests that – in spite of an FBI declassification stamp applied on September 24 – some or all of these redactions weren't done by the people who normally do such things.

It's the treatment of names where things delve into legally suspect area. The name of Barnett, Peter Strzok, and Andrew McCabe are not redacted. The names of other FBI and DOJ personnel generally are, though some have labels so you can follow repeated discussions of those people.

It's in the treatment of Robert Mueller's lawyers where things get inexcusable.

DOJ has a general rule that all Mueller AUSAs are public (as seen in the Mueller 302s released under FOIA, as well as phone records FOIAed by Judicial Watch), but all FBI personnel are not. Here, however, FBI left the name of some Mueller prosecutors unredacted, and redacted others. The unredacted names are those the GOP would like to spin as biased (including with an attack on Jeannie Rhee which actually shows Barnett being an abusive dick simply because Rhee tried to do her job):

- Jeannie Rhee
- Andrew Weissmann
- Andrew Goldstein

Meanwhile there are at least two Mueller prosecutors whose names are redacted:

- Probably Adam Jed
- Brandon Van Grack, labeled as SCO Atty 1

The FBI might be excusing this disparate treatment by making a distinction between lawyers who've left DOJ and those who haven't.

Except that raises questions about whether there are unmarked references to Zainab Ahmad who, as

the second prosecutor on the Flynn case, should show up in any interview of Barnett's work with Mueller, but who has also left DOJ (and so would be unredacted if that's the rule purportedly adopted here).

I have made several inquiries at DOJ for an explanation but gotten no response. But we know that someone at DOJ did these redactions, because Jocelyn Ballantine shared an unredacted copy of the 302 with Flynn's lawyers, explaining that DOJ would submit the redacted copy to the docket themselves. Ken Kohl, who (multiple people have described) has a history of problematic actions, is the one who actually signed the filing uploading the 302 to the docket.

If I were Ballantine, I'd think very seriously about whether I wanted to remain silent after having witnessed how this 302 was submitted.

The result of redacting Van Grack's name is that it hides from Judge Sullivan (and Amicus John Gleeson) many complimentary things that Barnett had to say about Van Grack:

- Barnett had worked with Van Grack on other matters
- Van Grack was present at the briefing where Barnett was a dick because Rhee asked to be briefed on Russia
- Barnett shared his concerns about Rhee with Van Grack
- Along with Peter Strzok, Van Grack told Barnett he could work on things other than what Rhee was working on
- Van Grack reportedly agreed with Barnett that KT McFarland was just trying to minimize embarrassing or

inconvenient things

- Van Grack ensured that Barnett would be at KT McFarland's proffer

DOJ's star witness purportedly backing its claim that the investigation into Mike Flynn was abusive had a number of good things to say about the prosecutor that purportedly committed some of the abuse. Significantly, DOJ's star witness, Barnett, claims that Van Grack *agreed with Barnett* in viewing KT McFarland's lies in the least incriminating light.

And DOJ redacted Van Grack's name, thereby obscuring that.

Sidney Powell made a number of allegations about Van Grack on Tuesday, including that Van Grack demanded Mike Flynn lie in the Bijan Kian case, something sharply at odds with Barnett's claim that Van Grack interpreted McFarland's answers in the least damning light. And Judge Sullivan asked about the significance of Van Grack's withdrawal from the case Tuesday, something DOJ dismissed as irrelevant even while they were hiding material details about Van Grack.

So Brandon Van Grack's conduct is central to the matter before Judge Sullivan. And DOJ is withholding favorable information about Van Grack by redacting his name in this 302, even while relying on the 302 for what DOJ claims is damning information elsewhere.

It would be clear legal misconduct to hide that information, effectively hiding evidence that debunks DOJ's claims of abuse with a treatment of redactions that is plainly inconsistent with past DOJ practice (including on the release of a 302 discussed in Barnett's own 302).

And yet that's what DOJ has done.