

# THE CLAIM THAT BILLY BARR DIDN'T RELEASE ANY INVESTIGATIVE INFORMATION DURING THE ELECTION IS FALSE

Even before Billy Barr's obsequious resignation, he and his handlers had been working the press to boost his tainted reputation. Consider not one (dated December 10) but two (dated December 14) WSJ stories boasting about how Barr kept the Hunter Biden investigations from going public. The WSJ lauds Barr for doing things that he pushed to have Peter Strzok and others prosecuted for also doing in the Russian investigation (one theory that John Durham and Jeffrey Jensen pursued is that because Strzok didn't approve NSLs against Mike Flynn in November 2016 he had no basis to do so in February and March 2017).

Mr. Barr took more steps than previously reported to insulate the investigations, despite calls from President Trump and Republican allies to announce a probe involving President-elect Joe Biden's son Hunter.

Mr. Barr and senior department officials relayed the instructions in conversations with prosecutors, questioning whether their staff members could be trusted and warning against issuing subpoenas or taking other steps that might become public, some of the people familiar with the matter said.

It's full of fawning praise that accepts as true that Barr would never reveal information from an ongoing probe.

As the election drew nearer, calls from Mr. Trump and some Republican allies for

the investigations rose in urgency. Mr. Barr and other top Justice Department officials resisted inquiries from several Republican lawmakers and their staffs for information on whether investigators were examining Hunter Biden, two people familiar with the matter said.

“It’s not even debatable that it is wrong for anyone in the chain of command at DOJ, especially the top law enforcement person in the country, to reveal an ongoing confidential criminal investigation. And Bill Barr was not going to do that,” said Richard Cullen, a former U.S. attorney and longtime friend of the attorney general.

The WSJ even points to the Scott Brady investigation, without noting what happened to it during the investigation.

After the acquittal, Mr. Barr announced that the U.S. attorney in Pittsburgh, Scott Brady, would receive and review information related to Hunter Biden and Ukraine from Mr. Giuliani.

As the NYT reported, Brady was pushing the FBI to do stuff they deemed inappropriate, particularly during an election year. It sounds like, to the degree that these investigations remained secret, that was due more to the FBI than to Barr or his hand-selected partisan US Attorney.

The steps were outside “normal investigative procedures,” one former senior law enforcement official with knowledge of the events said, particularly in an election year; Justice Department policy typically forbids investigators from making aggressive moves before elections that could affect the outcome of the vote if

they become public.

The Pittsburgh F.B.I. office refused to comply without the approval of David L. Bowdich, the F.B.I.'s deputy director, the former official said.

Mr. Brady's demands soon prompted a tense confrontation with F.B.I. officials at the bureau's headquarters in Washington. The meeting was mediated by Seth D. DuCharme, now the acting U.S. attorney in Brooklyn and at the time a trusted aide and ally of Mr. Barr's at the Justice Department in Washington.

[snip]

Still, Mr. Brady pressed the F.B.I. to do more, officials said. The agents found ways to ostensibly satisfy Mr. Brady without upending the election. It is not clear how they compromised, but agents could have investigated more discreetly, like questioning witnesses they were confident would keep quiet or checking databases.

WSJ addresses the Durham investigation this way in its last three paragraphs.

Mr. Barr soon after ordered an investigation into the origins of the FBI's 2016 probe that had led to Mr. Mueller's appointment. Mr. Barr openly contemplated releasing the results ahead of November's election. He told The Wall Street Journal in August the department's election-sensitivities policy did not apply because the previously announced inquiry did not "reach to Obama or Biden, and therefore the people under investigation are in fact not really political figures."

Then, the federal prosecutor leading that review, John Durham, hadn't completed his work in time. Mr. Durham's

deputy resigned in part over concerns that Mr. Barr would use the findings for political gain, the Journal previously reported. Mr. Trump and his allies said they hoped some findings would be released before the election. Mr. Durham hasn't commented on his team's work.

In October, Mr. Barr appointed Mr. Durham special counsel, meaning he can only be removed for cause and likely leaving the probe for his successor to address. He didn't disclose that appointment until Dec. 1.

I'm not sure how a piece that describes Nora Dannehy's resignation can claim – anywhere – that Barr worked hard to keep investigative information secret. He tried to do the opposite, and failed, at least with respect to the Durham investigation.

But what he did in response should disabuse any journalist of the claim that Barr tried to keep investigative information secret.

In the 60 days leading up to the election, the Jeffrey Jensen released an interview report – from a witness that John Durham surely also interviewed – that was so obviously intended for political effect that it left out key details and evidence from the investigation into Mike Flynn and invited a pro-Trump FBI Agent to make accusations about Mueller prosecutors he didn't even work with. The report was also redacted so as to hide material, complimentary information about the Mueller investigation.

At the same time, the Jensen investigation released a package of exhibits also reviewed as part of the Durham investigation, at least three of which had been altered, including to have their protective order footers removed:

- The altered January 5, 2017 Strzok notes

- The second set of altered Strzok notes
- The altered Andrew McCabe notes
- Texts between FBI analysts
- A new set of Strzok-Page texts, which included new Privacy Act violations

One of the alterations – a misleading date falsely suggesting Biden played a role in the Mike Flynn investigation that DOJ knew well Bob Litt actually played – was used by Trump to make an attack on Joe Biden.

It is simply false to say that Barr didn't release investigative information affecting Joe Biden. Indeed, under his micromanagement, Jensen did far worse than Jim Comey did in 2016, because the information was packaged up