

A DOJ IG INVESTIGATION IS INSUFFICIENT TO INVESTIGATE TRUMP'S ATTEMPT TO GET DOJ HELP TO STEAL THE ELECTION

As many news outlets are reporting, DOJ's Inspector General Michael Horowitz is opening an investigation into whether any former or current DOJ official helped Trump try to overturn an election.

The DOJ Office of the Inspector General (OIG) is initiating an investigation into whether any former or current DOJ official engaged in an improper attempt to have DOJ seek to alter the outcome of the 2020 Presidential Election. The investigation will encompass all relevant allegations that may arise that are within the scope of the OIG's jurisdiction. The OIG has jurisdiction to investigate allegations concerning the conduct of former and current DOJ employees. The OIG's jurisdiction does not extend to allegations against other government officials.

The OIG is making this statement, consistent with DOJ policy, to reassure the public that an appropriate agency is investigating the allegations. Consistent with OIG policy, we will not comment further on the investigation until it is completed. When our investigation is concluded, we will proceed with our usual process for releasing our findings publicly in accordance with relevant laws, and DOJ and OIG policies.

This is welcome news, but nowhere near as big a deal as people are making out. That's true for several reasons. First, while DOJ IG will have access to internal DOJ communications, DOJ IG cannot compel testimony of former employees. So if Jeffrey Bossert Clark – or any of the sources leaking anonymously with no threat of legal consequences – don't want to cooperate with this inquiry, they can avoid doing so.

More importantly, as Horowitz notes, his office's jurisdiction, "does not extend to allegations against other government officials." He can't investigate Scott Perry, the GOP Congressperson who was reportedly involved in this, he can't investigate Pat Cipollone, who reportedly sided with others at DOJ to undercut Trump's efforts, and he can't investigate Trump himself.

Still, it will serve one welcome purpose. As I noted in this post, one way to get investigations into Trump conduct started without appearing as if Joe Biden's DOJ has it in for Trump is to start them with Inspectors General. A year from now, DOJ IG will likely produce a report showing improper behavior from Clark (probably because he went around his superiors, not for any good legal reason), while noting that he was unable to get further cooperation. That could provide predicate for opening an investigation into the Former President.