

WHAT IF THE PROBLEM IS NOT WITH SPECIAL COUNSELS, BUT INSTEAD THE PRESIDENCY?

Rod Rosenstein protégé Robert Hur will testify before the House Judiciary Committee today. He decided to come represented by one of the Republican party's best criminal defense attorney, Bill Burck, and supported by a spox, Sarah Isgur, who played a key role in several of the hit jobs that Hur carried out with Rosenstein.

He just resigned from DOJ yesterday, which – along with his partisan hit squad – has raised concerns about what he'll say. It's unclear what effect that will have. When John Durham did the same thing, he actually reined in some of the false claims he had made in his report. That said, Hur has the ability to weaponize the fact that Joe Biden provided so much voluntary cooperation, meaning that many of the details in Hur's report – like the content of classified documents discovered or of Biden's diaries that Hur renamed notebooks to be able to snoop through them – were not obtained with a subpoena and would not be covered by grand jury secrecy. Testifying without a DOJ minder can work both ways, however; Democrats could – and should – question Hur about topics, such as:

- Whether his supervision eliminated the kind of ethical check other prosecutors have
- How he used attorney-client communications as a weapon against Biden when Robert Mueller, under Hur's

supervision, did the
opposite

- What role he played in depriving Andrew McCabe of due process and whether that abuse came up in the hiring process to be Special Counsel

Here's my coverage of Hur's report:

Robert Hur's Box-Checking

How Merrick Garland Mistook a Trump Hitman for a Career Prosecutor

Robert Hur Complained about Biden Notes that Trump Almost Certainly Already Declassified

In Advance of Robert Hur Hit Job, DOJ Updated Public Identification Policy

How Robert Hur Ghosted Joe Biden's Ghost Writer

Robert Hur Snooped Through Joe Biden's Diaries after White House Warned It Would Be Unprecedented

Navel-Gazing: The Ethics Problem Caused by Merrick Garland's Brad Weinsheimer Solution

Also, since transcripts show that Hur wildly misrepresented the moments where Biden couldn't remember years, here's my post on how Hunter Biden, like his dad, signposts his life around the grief tied to Beau's illness and death.

Like His Father, Hunter Biden Got Forgetful about Details Pertaining to Beau's Illness

In advance of Hur's testimony, several people are taking a broader view, considering some problems with the current Special Counsel regime.

Chuck Rosenberg wrote a thoughtful piece about how the reporting requirement creates a problem.

Jack Goldsmith wrote a silly piece that tries to

both-sides the matter.

Neither grapples with the underlying question:
How do you hold a President accountable to rule
of law?

Meanwhile, the transcripts of Biden's interview
with Robert Hur have been released (one, two).
They don't show what Hur claimed. Indeed, they
show that former IA US Attorney Marc Krickbaum
tried to sandbag Biden into admitting he knew he
had documents with classification marks and
Biden called him on it.