

THE DOJ IG BACKLOG ON BILL BARR'S BEHAVIOR

When Bill Barr lied to Kaitlan Collins about being pressured on specific investigations like the Hunter Biden one last week, he offered up the Roger Stone sentencing as a purported counterexample.

BARR: No. He did not directly pressure me. Yes, as I say, he was out there tweeting and doing things that were embarrassing, and made it hard for me to run the department.

COLLINS: That sounds like pressure.

BARR: It wasn't pressure. It was just, I mean, for example, I had decided that we were going to not agree to a sentence on Stone that was three times longer than normal. And I'd already decided that. And then, he was tweeting about Stone. So, it just made it harder to make the decision.

COLLINS: Because it looked like you were acting at his behest.

BARR: Right. Right.

COLLINS: On Roger Stone's sentence.

This is the same tired excuse that Barr offered to Congress years ago; the same tired excuse Barr offered to Lester Holt when *he* was giving Barr platform to rehabilitate his reputation.

Barr was *always* going to intervene to override Stone prosecutors' guidelines sentencing recommendation, Barr claims, but Trump's tweeted complaints about the proposed sentence only made it look bad. And also, Barr has claimed, Judge Amy Berman Jackson agreed with him, even though he treated threats to her – threats from the Proud Boys and Roger Stone that anticipated the toxic combination that led to January 6 – as

just a technicality.

Barr continues to make bullshit claims about the Roger Stone sentencing almost four years after reports that DOJ's Inspector General was investigating the intervention.

DOJ IG has been reviewing the abuses of the Trump Administration for the entirety of the Biden Administration, well into Trump's campaign to regain the authority to use DOJ to abuse his enemies.

And that's not the only such investigation.

Tucked at the end of DOJ IG's list of ongoing investigations are at least three that implicate Bill Barr's DOJ (and Trump's DOJ more broadly).

There's the overpolicing during the summer 2020 protests.

Review Examining DOJ's and its Law Enforcement Components' Roles and Responsibilities in Responding to Protest Activity and Civil Unrest in Washington, DC and Portland, Oregon

In response to requests from Members of Congress and members of the public, the DOJ OIG is initiating a review to examine the DOJ's and its law enforcement components' roles and responsibilities in responding to protest activity and civil unrest in Washington, DC, and in Portland, Oregon in June and July 2020. The review will include examining the training and instruction that was provided to the DOJ

law enforcement personnel; compliance with applicable identification requirements, rules of engagement, and legal authorities; and adherence to DOJ policies regarding the use of less-lethal munitions, chemical agents, and other uses of force. With regard to events in Lafayette Square on June 1, 2020, the DOJ OIG will coordinate our review with the Department of Interior OIG. If circumstances warrant, the OIG will consider including other issues that may arise during the course of the review.

There's the pursuit of journalists' sources.

Review of the Department of Justice's Use of Subpoenas and Other Legal Authorities to Obtain Communication Records of Members of Congress and Affiliated Persons, and the News Media

The DOJ OIG is reviewing the DOJ's use of subpoenas and other legal authorities to obtain communication records of Members of Congress and affiliated persons, and the news media in connection with recent investigations of alleged unauthorized disclosures of information to the media by government officials. The review will examine the Department's compliance with applicable DOJ policies and procedures, and whether any such uses, or the investigations, were based upon improper considerations. If circumstances

warrant, the OIG will consider other issues that may arise during the review. The review will not substitute the OIG's judgment for the legal and investigative judgments made in the matters under OIG review.

There's the implementation of guidelines for COVID release that saw Paul Manafort get released from a facility unaffected by COVID before Michael Cohen got released from one facing an outbreak (which is only the highest profile of a number of inexplicable prioritization decisions).

Review Examining BOP's Use of Home Confinement as a Response to the COVID-19 Pandemic

The Office of the Inspector General (OIG) has initiated a review of the Federal Bureau of Prisons' (BOP) use of home confinement as a tool to mitigate the effect of the Novel Coronavirus Disease (COVID-19) pandemic on the federal prison population.

The review will assess the BOP's process for implementing the use of home confinement as authorized under the CARES Act, the process for its consideration of the eligibility criteria outlined in the Attorney General's March 26 and April 3, 2020 memoranda, and the process by which BOP headquarters evaluated wardens' recommendations that inmates who did not meet the Attorney General's criteria be placed in home confinement. The review will also select particular cases for examination to determine whether there were irregularities in the BOP's processes. If circumstances warrant, the

OIG will consider including other issues that may arise during the course of the review. The OIG is undertaking this review in response to requests from Members of Congress, and issues the OIG identified during the series of remote inspections it has conducted regarding the BOP's response to the COVID-19 pandemic.

And while Barr was gone before the attack itself, even DOJ IG's review of January 6 might implicate Barr, not least his treatment of Antifa as a bigger threat than the militia whose threats to Amy Berman Jackson he had dismissed as a technicality; the number of Proud Boys who contributed to the riot but who had earlier been made informants to report on Antifa really threatened to upend those prosecutions.

Review Examining the Role and Activity of DOJ and its Components in Preparing for and Responding to the Events at the U.S. Capitol on January 6, 2021

The DOJ Office of the Inspector General (OIG) is initiating a review to examine the role and activity of DOJ and its components in preparing for and responding to the events at the U.S. Capitol on January 6, 2021. The DOJ OIG will coordinate its review with reviews also being conducted by the Offices of Inspector General of the Department of Defense, the Department of Homeland Security, and the Department of the Interior. The DOJ OIG review will include examining information relevant

to the January 6 events that was available to DOJ and its components in advance of January 6; the extent to which such information was shared by DOJ and its components with the U.S. Capitol Police and other federal, state, and local agencies; and the role of DOJ personnel in responding to the events at the U.S. Capitol on January 6. The DOJ OIG also will assess whether there are any weaknesses in DOJ protocols, policies, or procedures that adversely affected the ability of DOJ or its components to prepare effectively for and respond to the events at the U.S. Capitol on January 6. If circumstances warrant, the DOJ OIG will consider examining other issues that may arise during the review.

Jerry Nadler's referral of Scott Brady for his misleading House testimony regarding the Hunter Biden side channel is another potential investigation that could implicate Barr personally (including for public comments after he left government) – though at DOJ IG's current pace, we might not get results from that investigation until long after Hunter Biden served any sentence for crimes charged largely because of the renewed focus on the effort, ordered by Bill Barr, that ended up framing Joe Biden.

DOJ IG can investigate more quickly. Obviously, it did so during the Trump Administration, producing a number of flawed reports that served Trump's revenge tour against Peter Strzok, Jim Comey, and Andrew McCabe.

And DOJ IG recently released an interim report on an intelligence product raising concerns about radicalization and Catholic Churches that has inflamed right wingers for years. The results debunk many of the things right wingers have been fearmongering about.

Rather than an investigation into right wing

Catholic churches, the intelligence product instead arose out of the investigation of a recently released right wing extremist, whom Seamus Hughes helped NYT identify as Xavier Lopez, who was trying to recruit at a Catholic Church.

The FBI opened an assessment of Defendant A in 2019, after he made online statements advocating civil war and the murder of politicians. Defendant A later was overheard making comments about political violence while purchasing several AR-type rifles, multiple high-capacity magazines, and large quantities of .223 ammunition. In August 2020, Defendant A was arrested by local police after he vandalized and slashed the tires of a parked car. Defendant A plead guilty to felony vandalism charges and agreed as part of his guilty plea to avoid contact with firearms, firearms components, and ammunition. He was sentenced to 5 years in jail, with 4 years suspended and 10 years of probation.

[snip]

Defendant A was released from jail in June 2021. Within a week of his release, contrary to the conditions of his guilty plea and sentence, he began visiting the firearms sections of various sporting goods stores. Although he did not purchase weapons, he discussed his desire to build a .308 caliber rifle and obtain ammunition for it. In addition to his prior plea agreement restrictions, as a convicted felon, both state and federal law prohibited Defendant A from purchasing or possessing a firearm. Based on Defendant A's online rhetoric, threats, and other activity, an FBI Richmond task force had been aware of Defendant A since 2019 and continued to monitor him. They identified a social

media profile associated with Defendant A that included Nazi symbols and rhetoric, as well as posts advocating killing police officers, “ganging up on and beating” racial and religious minorities, conducting a mass shooting at a school for special needs children, taking up armed resistance against the government, learning how to manufacture pipe bombs, and using untraceable means to purchase supplies to manufacture 3D-printed weapons. The FBI Richmond task force also identified online purchases of firearm build kits and lock picking devices.

In early 2022, Defendant A began to attend a church (Church 1) associated with an international religious society that advocates traditional Catholic theology and liturgy but is not considered by the Vatican to be in full communion with the Catholic Church (Organization 1). In social media posts, Defendant A claimed that Church 1 was a “traditional church that isn’t totally kiked [sic],” and stated that he “had to deal with the priest and some (thankfully not all) the parishioners talking about how ‘Hitler bad’ though thankfully they do actually acknowledge that the allies were evil.” As described in more detail below, Defendant A also described himself in his social media profile as “Fascist and Catholic” and a “[radical-traditional (rad-trad)] Catholic clerical fascist.” Based on his online communications, investigators determined that Defendant A was attempting to actively recruit other individuals with similar belief systems into Organization 1 and had begun talking about an attack. [brackets original]

because they had to. Congress ordered up the report, and imposed the deadline, as part of last year's intelligence authorization.

Congress has found a way to make DOJ IG release reports they (mistakenly) imagine might reflect poorly on Merrick Garland's DOJ in timely fashion. And meanwhile, reports on Bill Barr's conduct plod away, unfinished, even as voters try to understand how we got here.