

HOW TRUMP ROLLED OUT THIS KASH PATEL PICK IS PART OF SPINNING FALSE CLAIMS ABOUT RULE OF LAW

I was busy serving Thanksgiving Dinner and watching Irish election returns yesterday when Trump announced Kash Patel as his pick to be FBI Director. I've long been assuming that, wherever Patel ended up, he would have access to any files at FBI (look to John Solomon and Catherine Herridge to have a lot of inside tracks on propaganda). So the question was just a matter of *how* Trump gave Patel access to politicize FBI. By picking Patel as the Director rather than Deputy Director (only the former of which requires confirmation), Trump did so in the maximally confrontational way.

Here are four thoughts on how that confrontation plays out.

First, by picking Kash and including false claims about the Deep State in his announcement, Trump forces journalists to address his false claims. Here's how Devlin Barrett and Maggie Haberman chose to replicate Trump's false claims with no correction, for example.

Mr. Patel has been closely aligned with Mr. Trump's belief that much of the nation's law enforcement and national security establishment needs to be purged of bias and held accountable for what they see as unjustified investigations and prosecutions of Mr. Trump and his allies.

Mr. Patel "played a pivotal role in uncovering the Russia, Russia, Russia Hoax, standing as an advocate for truth, accountability and the Constitution," Mr. Trump said in announcing his choice

in a social media post.

He called Mr. Patel “a brilliant lawyer, investigator and ‘America First’ fighter who has spent his career exposing corruption, defending Justice, and protecting the American people.”

Mr. Patel, a favorite of Mr. Trump’s political base, has worked as a federal prosecutor and a public defender, but has little of the law enforcement and management experience typical of F.B.I. directors.

It is provably false that the investigations into Trump were partisan. There were three investigations of Hillary during the 2016 election (the server investigation, the Clinton Foundation investigation predicated off of right wing oppo research, and a third that was probably the Emirates’ effort to cozy up to her campaign). Joe Biden was investigated for retaining classified documents, just like Trump was. Thousands of other people were investigated for January 6.

Your choice to describe Trump’s false claim (and describing it as a belief, which you cannot know) without correction is simply participation in propaganda. (Politico at least called out Patel for “perpetuating conspiracy theories about the 2020 election.”)

And what Trump calls a hoax resulted in judgments that Trump’s Coffee Boy, National Security Adviser, campaign manager, personal lawyer, and rat-fucker all lied to cover up what really happened with Russia in the 2016 election. Journalists could choose to state that every time Trump calls it a hoax. NYT has almost never chosen to do that, which is how Trump’s propaganda works so well.

But longtime FBI journalists like Barrett will offer some other reason why Patel is a terrible pick – here, insinuating he doesn’t have the experience to do the job. I don’t know: After

babysitting Ric Grenell at ODNI, Kash babysat Christopher Miller at DOD. That's high level – if brief – experience.

Others – like CNN – look to the 10-year term set by statute to suggest Patel's appointment is problematic.

FBI directors serve 10-year terms in part to shield the bureau's leader from political pressure. FBI directors serve decadelong terms as the result of a post-Watergate law passed in response to J. Edgar Hoover's controversial 48-year leadership of the agency.

The breaking of this norm is not new for Trump, who fired Comey shortly after taking office in 2017. Comey, who helmed the FBI during the investigation into Russian interference in the 2016 presidential election as well as the Hillary Clinton email controversy, was fired by Trump in May 2017 after serving in the position for over three years.

It's true there's a 10-year term. But I looked: Only William Webster served 10 and only 10 years. Robert Mueller was kept overtime, in part because he had authorized surveillance programs that were under fire. Louis Freeh resigned in the midst of scandals, leaving the seat open in advance of 9/11. Comey, of course, was fired because he wouldn't kill the investigation into Mike Flynn before Mike Flynn confessed to lying to cover up his calls with Russia's ambassador.

I raise that point because the question of whether Kash's politicization of the Bureau would be so detrimental that it would lead to threats against the US going undisturbed should be the key issue in this confirmation fight. Undoubtedly, corruption (including in the form of Jared's father being appointed to be Ambassador to France, which Trump also announced yesterday) will start to erode US remaining integrity, up and down government and the

economy. It's certainly possible that counterintelligence and hacking threats will go ignored; already in the first Trump Administration, people with expertise on Russia were driven out, and that would presumably continue. Mis- and disinformation would be protected.

Are those who oppose a Kash appointment able to explain those risks, which is what has really driven Director's terms?

The Kash appointment heightens my interest in what DOJ Inspector General Michael Horowitz will do going forward. Trump has threatened to fire the Inspectors General and Horowitz is the most prominent – but Chuck Grassley has pushed back. That said, Horowitz has survived where he is by catering to Republican demands. So I'm wondering not just *whether* Horowitz could survive in the job, which would serve as a strong check on Patel. But also whether we'll get two reports that will expose Trump's past politicization in ways important to a potential Patel pick.

The report on January 6, for example, will lay out how Jeffrey Clark tried to take over DOJ to make it into an object of Trump's reelection. It will also describe how FBI's treatment of right wing extremists as informants undermined DOJ's ability to anticipate January 6. Horowitz has committed to try to release this report by inauguration, but if he does, it could precipitate his firing.

There's also a report on the investigation of journalists and Members of Congress to find sources for anti-Trump coverage in the first Trump term. This is precisely the kind of politicized investigation that Kash has promised (he has specifically promised to go after people who accurately report on things like the Hunter Biden laptop). The report is badly overdue, but it also threatens to trigger a backlash.

Finally, consider two aspects of the timing of this pick. First, by announcing it now, Trump has made Chris Wray a lame duck. Anyone

investigating something that might implicate Trump – such as those investigating Polymarket CEO Shane Coplan – will know that they will have no top cover in a matter of weeks. That was already true, mind you: Pam Bondi would see to that. Plus, it was already clear that Trump was going to replace Wray. Still, this could have a chilling effect on ongoing investigations – or it could create very interesting martyrs at the beginning of Trump's term.

Then there's another aspect to the timing. Trump announced this pick – as he did the decision implanting all his defense attorneys at DOJ – *while* Jack Smith's prosecutors are working on their report. And Kash should show up in that report, at least to lay out his false public claims that Trump had declassified all the documents he took with him (and possibly even his demand that he got immunity before giving that testimony). I'm not sure how central that will be *to a report*. But Trump had a choice about how confrontational to be with how he installed Kash in a place to dismantle the so-called Deep State, and his choice to be maximally confrontational may have a tie to this report.

People are currently thinking of all the other ways Kash has helped serve Trump's false claims in the past – the false claim that the Russian investigation was predicated on the Steele dossier, efforts to override Ukraine experts during that impeachment, attempts to misrepresent the Russian investigation. But the Smith report may well explain that Trump's FBI Director nominee played a more central role in Trump's effort to spin Trump's efforts to take hundreds of classified documents home. So when Kash gets a confirmation hearing, it will put the veracity of the Smith report centrally at issue. If Senators find the report convincing, they should have renewed cause to reject Patel's nomination, but Trump has almost without exception forced GOP Senators to believe his false claims to avoid scary confrontations with him, so I wouldn't bet against Trump and Kash.

Trump has spent eight years sowing propaganda about his own corruption and crimes. Not just Patel's nomination to a position in which he could thoroughly politicize rule of law, but also *the means by which* Trump made that nomination, is part of that same project.

We have a brief two months to try to reverse eight years of propaganda, propaganda often assisted by journalists playing data mule for Trump's Truth Social propaganda or exhibiting laziness about correcting his false claims. If Trump succeeds, it will grow far more difficult to sort out truth from crime anymore.

That was always going to be true. But the means by which Trump is conducting his effort is all part of the propaganda campaign.

Update: Roger Parloff linked the 302 interview with someone who is likely Eric Herschmann describing someone who is almost certainly Kash Patel lying about having a standing declassification order.

Also, LOLGOP re-released our Ball of Thread episode that focuses closely on Patel's propaganda about Crossfire Hurricane.