

JOURNALISTS' PERSISTENT WILLINGNESS TO CHASE TRUMP'S SQUIRRELS, BIDEN RECORDING EDITION

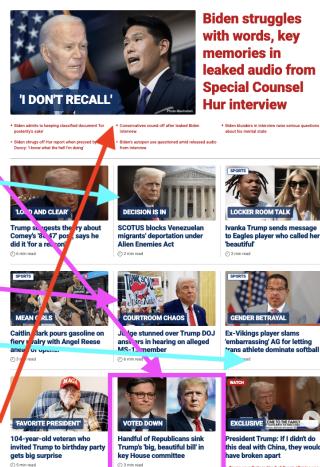
GOP fails its one job

A GOP-packed court
says Trump can't be
trusted

Another judge says Trump
deported someone illegally

Exclusive Fox interview!!
in which Trump lies!!

**BIDEN BIDEN BIDEN
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To get a sense of how much releasing recordings of Rob Hur's interview with Joe Biden in advance of the legal release of them was about attention management, you need look no further than the Fox News homepage (this was from shortly after midnight ET).

The humiliating defeat for Donald Trump's One Big Beautiful Bill in the House? Buried on the bottom of the front page.

The Supreme Court's ruling protecting due process rights for those Trump tried to render to El Salvador using an Alien Enemies Act, which made it clear at least two Republican justices believe they can't trust the Trump Administration? Second row.

Judge Paula Xinis' rebuttal of DOJ's claims that deporting Kilmar Abrego Garcia without a warrant, in spite of an order prohibiting it, was legal? Third row down.

A clip from the exclusive interview Bret Baier

had with the President, in which Trump falsely claimed China needed to make a deal more than he did and bizarrely refused to say the word "nuclear"? Also buried there on the bottom.

For Fox News, a cherry-picked excerpt of Robert Hur's interview of President Biden merited the entire top of the page, with six different stories based on that cherry-picked release to Marc Caputo and Alex Thompson.

Biden.

Biden.

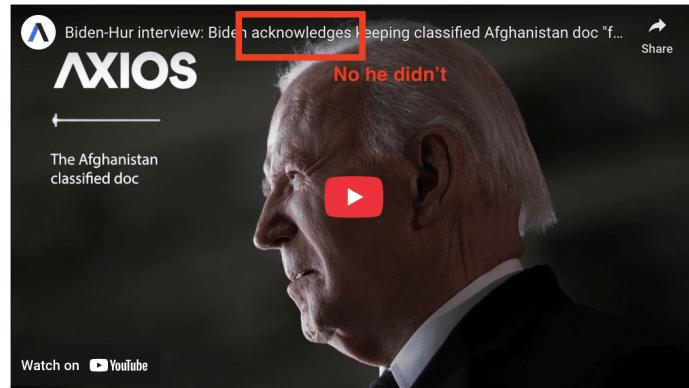
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Biden.

Other outlets weren't much better. While Caputo and Thompson misrepresented the Hur investigation and the reason why Bob Bauer would object to Hur and Marc Krickbaum's persistent request that Biden speculate, presumed that Biden *did* intentionally keep classified documents not covered by a personal use exemption, and made false claims about Biden "acknowledging" that he kept a document he viewed to be classified, they were diligent about two other points.



Though amiable, the interview became somewhat tense when Biden attorney Bob Bauer chastised prosecutor Krickbaum for leading Biden to consider changing his story about why he kept a classified document about Afghanistan.

- "Your answer is that you don't know," Bauer instructed the president at one point.
- But then Krickbaum noted that journalists had written about the document, and he asked if Biden intended to keep it because of its historical value.
- "I guess I wanted to hang onto it just for posterity's sake," Biden acknowledged.

That admission of intent technically could have exposed Biden to criminal charges, and Bauer soon interjected: "I just really would like to avoid, for the purpose of a clean record, getting into speculative areas.... He does not recall specifically deciding to keep this memo after he left the vice presidency."

They described that "overall [Biden] was engaged in the interview" and admitted that the interview took place immediately after the October 7, 2023 attack on Israel.

Reality check: While Biden had clear memory lapses and needed assistance at times (with words such as "fax machine" and "poster board"), overall he was engaged in the interview.

- *He cracked jokes and made humorous asides, and was able to respond to the general gist of the questions. But he had little memory of how he came to have classified documents after he left office as vice president.*
- *On Oct. 8 – the first day of the interview and the day after*

Hamas' attack on Israel – Biden often was slow and forgetful of basic facts.

- *That day, it took Hur more than two hours to clearly determine how the documents could have ended up in various personal desks and file cabinets after Biden left office. That was because Biden kept veering into other subjects.*
- *On Oct. 9, however, Biden sounded much more engaged and vigorous.*

When the full recording is released, it will show the ways that old geezer Biden caught prosecutors trying to sandbag him, parts of the interview wildly inconsistent with Thompson's little project (not unlike the time Thompson screencapped himself ignoring evidence that Hunter Biden's plight, not necessarily age, may have explained Biden's very worst collapses).

Indeed, the fact that two rabid sensationalists only presented eight minutes of recording out of five hours to back their claims may explain why these recordings got released in advance – to undercut the possibility that the recordings would instead *undermine* the claims Hur and everyone else made about Biden (as DOJ's release of the transcript on the eve of his testimony did).

But the people who leapt on these cherry-picked recordings were even less responsible than Caputo and Thompson.

[!!!]

CNN, Politico, NYT, and NBC didn't mention the Israeli attack the day before. Politico and NBC did not explain that Axios released just 8 minutes of recording (CNN did, as did a second NYT story). And yet, presumably not having reviewed the full recording themselves, journalists are making claims about what the recording reveals that goes even beyond what Axios claimed.

There is a bit of news, or scandal, to this release, but it's not covered there (or even by Axios).

Biden invoked Executive Privilege over the recordings, correctly predicting that (as Axios noted without mentioning the privilege invocation) scandal-mongers like Alex Thompson would "chop them up, distort them, and use them for partisan political purposes."

But, as Politico acknowledged when it previewed the release weeks ago, DOJ was faced with the question of what to do with the recordings in the face of Biden's privilege claim and DOJ's own rationale that making recordings of voluntary interviews that then get released for partisan purposes will make people less likely to do such voluntary interviews in the future.

A deadline of sorts is approaching on May 20: In separate Freedom of Information Act lawsuits brought by conservative groups like Judicial Watch and the Heritage Foundation and various news organizations, the Justice Department has been ordered by a judge to say whether it will stand by Biden's assertion of executive privilege to block the release of the tapes. Last May, Biden and his Justice Department claimed releasing the tapes would have a chilling effect on witnesses cooperating in high-profile investigations.

DOJ officials will also have to indicate whether they will continue to press

other arguments for keeping the audio secret, including that disclosure would invade Biden's privacy and that it could interfere with future investigations by making high-level officials less willing to cooperate.

When Trump was asked yesterday about the release, he claimed he wasn't involved. Pam Bondi made the decision.

Trump said Friday that White House was not directly involved in handling the disclosure.

"I haven't looked into that. That's up to Pam and the group," he told reporters aboard Air Force One as he returned from the Middle East, referring to Attorney General Pam Bondi.

If no one at the White House was involved, it would be fairly big news. It would mean someone other than the President or his surrogate (like White House Counsel David Harrington) had simply blown off the privilege invocation of a prior President.

By contrast, Biden's DOJ overrode Trump's own privilege invocations in conjunction with January 6 in one of two ways. For matters pertaining to the investigative materials held by the Archives, Biden himself waived privilege based on what Congress asked for; there's no record DOJ obtained information outside this scope, meaning there's no record that Merrick Garland shared any information about the criminal investigation with the President. For waivers of privilege pertaining to interviews with Trump's aides, DOJ got Biden's White House Counsel to make the waivers.

But as far as we know, the Biden White House always made the waivers, an Executive finding that a waiver overrode whatever concerns his predecessor might have about privilege.

Here, Trump is at least *claiming* that he wasn't involved, effectively ceding the very concept of privilege to DOJ.

To be clear, critics of Biden were absolutely justified in claiming that the release of the transcript effectively waived privilege, and it may be that DOJ simply adopted that argument. But the legal basis matters, especially coming from a guy who won't stop complaining about an investigation in which DOJ spent ten months carefully working through Trump's privilege claims.

And the pre-release of these recordings to a White House mouthpiece and a lead Dick Pic sniffer was bound to maximally serve scandal.

It is an utterly masterful example of playing the press, of eliciting precisely the same kind of shitty reporting right wingers claim they've shown. Because most of the people commenting on these excerpts exhibit no awareness Biden matched the wits the much younger prosecutors in other parts of the interview.

Update: Heritage, which was suing to release the recording, is pissed about Thompson's cherry picking.

The American people must take the snippets leaked to Axios and have apparently been spliced without notation; not the true accounting which Heritage Plaintiffs seek to provide. In the hours since the Axios release, the news has been plastered with the Axios clips. They are everywhere; apparently all concede the voices match the interview participants; they may have even been officially released. Axios released approximately 14 minutes and 28 seconds of the nearly five-and-a-half hours of President Biden's interview with Special Counsel Hur. The media has created a running narrative about President Biden's mental fitness based on less than 4.5 percent of the entire

interview.

Since I posted this, Thompson has made the full 5+ hours available.