

EDNY NOTES THAT TOM BARRACK WON'T EXPLAIN THE TACTICAL ADVANTAGE OF WAITING TO CHARGE HIM

In response to Tom Barrack's argument that he should have been charged early enough for Trump to pardon him, DOJ notes that he has referenced nothing unavailable now that might have provided a defense unavailable now.

THREE THINGS: A THREE-RING CIRCUS

In Ring 1 a hearing; in Ring 2, a frivolous appeal; in Ring 3, a show of white collar legerdemain. Welcome to the American circus.

MINORITY REPORT: BOTHERATION BENEFITS BANNON

Americans are becoming deeply disappointed: Bannon has blown off Congress without any repercussions so far. It's not obvious to the public why it takes so long to bring the scruffy bucket of excess shirtage, whiskers, and pudge to answer their representatives' questions.

ANDREW MCCABE GOT HIS PENSION AND HIS CUFFLINKS – BUT IS THAT ADEQUATE RECOURSE FOR THE COUNTRY?

DOJ settled Andrew McCabe's lawsuit yesterday. By doing so, DOJ will bury key details of how Donald Trump politicized DOJ.

TEA LEAVES ON THE GARLAND-MONACO DOJ AND THE STAY IN ANDREW MCCABE'S LAWSUIT

One tea leaf to read to determine precisely why Merrick Garland and Lisa Monaco aren't reversing course on Bill Barr's policies more abruptly is the Andrew McCabe lawsuit, which was stayed on Monaco's third day on the job.

WELCOME TO LISA

MONACO'S DOJ, E JEAN CARROLL LAWSUIT EDITION

Lots of observers are asking how Merrick Garland could make such a horrible decision as to sustain DOJ's defense of Trump against the lawsuit brought by E. Jean Carroll. They might be better served by – finally – considering what Lisa Monaco's background suggests she will do at DOJ.

DOJ REACHES A NON- PROSECUTION AGREEMENT WITH THE MCC GUARDS BILL BARR USED AS SCAPEGOATS FOR JEFFREY EPSTEIN'S DEATH

Under Bill Barr, DOJ tried to scapegoat two prison guards for Jeffrey Epstein's death. Yesterday, Merrick Garland's DOJ entered into a non-prosecution agreement with them, which will allow DOJ IG to fully investigate the circumstances surrounding Epstein's death.

ON MERRICK GARLAND'S

CONFIRMATION

Merrick Garland being confirmed is excellent news. But he is not the savior you may be looking for. Yet, a positive and stabilizing step.

CONGRESS VERSUS THE CONSTITUTION: MERRICK GARLAND'S SECOND RECONSTRUCTION

Merrick Garland will be confirmed without cowing to Republican efforts to equate their own assault on the Constitution with political protest. But such efforts will intensify after he assumes office, particularly if Durham fails to find the crimes that really don't exist and as DOJ gets closer to Trump or members of Congress.

MERRICK GARLAND IS KILLING IT

The SJC hearing is on the major cable channels and CSPAN. Streaming everywhere too I assume. It is really good viewing, as these things go. Yes, Ted Cruz came across as applicant to replace Sean Hannity. Yes Chris Coons preened for the cameras.

I generally have a fair amount of criticism for Ben Sasse, but he did extremely well today.

Surprisingly so. Pat Leahy, despite a bit of rambling pontificating, did as well.

I would love to have a cross-examiner with a killer instinct like Katie Porter in the SJC.

Bottom line is that Merrick Garland is absolutely slaying this hearing.