

BILL BARR'S (CLAIMED) SURPRISE ABOUT BEING IN THE ZELENSKY TRANSCRIPT IS IRRELEVANT TO HIS (NON) RECUSAL

Bill Barr continues to excel at placing carefully worded self-exonerations in the press. Consider this AP story, purportedly telling how helpless little Billy Barr has been put in an uncomfortable situation because Trump treats him the same way he does Rudy Giuliani, as his personal lawyer. You wouldn't know, from reading it, that Barr is one of the most powerful cabinet members in government, and fairly unique among Trump's appointees for the breadth of governmental experience he has.

Much of the story describes Barr as the passive object things happen to, not as the agent of his own circumstances. The AP describes him finding himself in a political firestorm and coming under scrutiny rather than acting in scandalous ways that merit such scrutiny.

As Washington plunges into impeachment, Attorney General William Barr finds himself engulfed in the political firestorm, facing questions about his role in President Donald Trump's outreach to Ukraine and the administration's attempts to keep a whistleblower complaint from Congress.

[snip]

Barr has come under the scrutiny of congressional Democrats who have accused him of acting on Trump's personal behalf more than for the justice system. Democrats have also called on Barr to step aside from decisions on the Ukraine

matter.

The article does affirmatively say what Barr (claims he) has not done. He has not spoken with Trump about Biden and he has not spoken to Rudy about anything related to Ukraine (which is, notably, different than saying he hasn't hadn't had inappropriate conversations with the President's personal lawyer).

Barr has not spoken with Trump about investigating Biden or Biden's son Hunter, and Trump has not asked Barr to contact Ukrainian officials about the matter, the department said. Barr has also not spoken with Giuliani about anything related to Ukraine, officials have said.

As for Barr's affirmative actions, they are (like the descriptions of what he did not do) always couched in claims made by some anonymous source. The department – not a named person in the department – “insists” that Barr wasn't aware of the call until some vague point in mid-August.

The department insists Barr wasn't made aware of the call with Zelenskiy until at least mid-August.

The money quote, the one everyone is tweeting about, is from someone identifiably close enough to Barr to know he was “surprised and angry” but who claims not to be authorized to speak “publicly.”

When Barr did learn of that call a few weeks later, he was “surprised and angry” to discover he had been lumped in with Giuliani, a person familiar with Barr's thinking told The Associated Press. This person was not authorized to speak about the matter publicly and spoke on condition of anonymity.

So, too, are the sources for the really important claims that tell us everything we don't need to know pertaining to recusal. A person (likely the same one) not authorized to speak "publicly," says *the Department of Justice* first learned of the call when CIA General Counsel Courtney Simmons Elwood brought the complaint to National Security Division head John Demers (as described in detail by the NYT). Other DOJ lawyers learned about the complaint after the whistleblower filed a complaint with the Intelligence Community Inspector General.

The Justice Department was first made aware of Trump's call when a CIA lawyer mentioned the complaint from the unidentified CIA officer on Aug. 14, said a person familiar with the matter who wasn't authorized to discuss the matter publicly and spoke anonymously. Some Justice Department lawyers learned about the accusations after the whistleblower filed a complaint with the intelligence community's internal watchdog.

The watchdog later raised concerns that Trump may have violated campaign finance law. The Justice Department said there was no crime and closed the matter.

Note what's not described in that passage, or anywhere else in the story? Precisely when Bill Barr himself learned about the substance of the complaint. When Bill Barr himself learned *he was named in the transcript*. It does not matter at all whether Bill Barr was surprised to hear the President roping him into framing his opponent's son (though we should not believe he was surprised until the Attorney General says that publicly himself, preferably under oath). It does not matter when Demers learned of the substance of the complaint, it matters when Barr did, and whether it preceded other actions he took.

What matters is whether Barr learned he was

named in the transcript before the DOJ made the decision there was no crime there. What matters is whether Barr knew he was implicated before making the decision not to recuse in advance of a prosecutorial decision made while lacking all the facts. What matters is whether Barr knew he was named in the transcript before getting an OLC opinion justifying withholding the complaint. (h/t F for the last point)

The AP story doesn't tell us that. Instead, it tells us everything we don't need to know.