

# WHAT DURHAM MIGHT BE LOOKING AT

Last night, the NYT and other outlets reported that the Durham probe has become a criminal investigation. While no outlets have reported precisely what crime Durham might be investigating, the news comes amid other news that may provide a clue. (I'm posting this without links for now, but will go back and try to add links later.)

## Thus far, only a coerced Ukraine has fueled the foreign conspiracy theories

George Papadopoulos has been tweeting that his conspiracies will soon prove true. But thus far, other countries disagree. Multiple outlets have reported that Italy told the US that they had no ties to George Mifsud. Australia has said that the US has mischaracterized what Alexander Downer did, implying that he simply documented something suspicious (Papadopoulos bragging that Russia would help Trump) that was later shared with the FBI. The UK has said they have nothing more to share beyond what they shared in 2016, a memo stating that Christopher Steele was honest and persistent if a little too inclined to chase sources (like Oleg Deripaska) who weren't worthwhile.

The one thing that Bill Barr's field trips have come up with so far are dated Mifsud phones.

In short, aside from the corrupt oligarch-backed former Ukrainian prosecutors, no foreign country is backing Papadopoulos' theories.

# **Horowitz announces he's still working on the FISA IG Report, which will be lightly classified**

The timing of the Durham investigation becoming a criminal probe coincides with Michael Horowitz's announcement, to Congress, that he's still working on the FISA IG Report, but that it will just be lightly redacted. It's possible, then, that he made a criminal referral out of the report, and Durham is investigating that.

I can't think of any genuinely criminal behavior that I expect to see in the report, unless Horowitz refers either Glenn Simpson or Christopher Steele for false statements, the former to Congress and the latter in court filings.

If Horowitz's report is broader than that, however, it might include other referred conduct, such as the leak of either the existence of a transcript between Mike Flynn and Sergei Kislyak (which Sidney Powell has alternately claim came from someone at Office of Net Assessment or James Clapper, the latter of whom is an Original Classification Authority) or that Jim Comey briefed Trump on the Steele dossier (a reference in Powell's latest suggests she thinks Josh Campbell is the source).

Clearly, Durham is examining several circumstances of how Stzok opened the investigation, such as that (because they wanted to act quickly in the wake of the publication of the WikiLeaks emails) he opened it on a weekend, and signed the authorization himself. Recent reports say he has expanded his scope to include events that preceded Mueller's appointment, meaning he's clearly looking at events in early 2017.

# **Sidney Powell insists, again, her expert intelligence officer client got duped**

As I'll note in a follow-up, Sidney Powell has submitted her latest filing arguing that Mike Flynn should be let free as an honest child. In some ways, it's a less ridiculous filing than her past efforts, as she actually gets around to making allegations. Effectively, she is submitting her opening brief as the reply, perhaps in a concerted effort to prevent the government from pointing out all the gaping holes in it.

Ultimately, it still comes down to a claim that poor Mike Flynn, who all agree is an accomplished liar, couldn't handle an FBI interview without lying and lying and lying.

And as part of that, Powell submits more information proving that, whatever Strzok's alleged animus towards Trump, he still treated Flynn with almost too much respect.

In short, there may be real crimes he's investigating, or reconsidering past charging decisions, especially leaks.

But at least thus far, Durham has spent six months without corroborating the main conspiracy theories about the investigation.