

UNLIKE MICHAEL SUSSMANN, PATRICK BYRNE WAS NOT PROSECUTED FOR PROVIDING ALLEGEDLY FALSE TIPS TO THE GOVERNMENT

Among the many records on the Durham investigation DOJ newly released to American Oversight on June 1 is an email, dated August 23, 2019, from Seth DuCharme to Durham and one of his aides revealing that “Overstock CEO gave info to DOJ for John Durham’s review of Russia investigation origins.”

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Friday, August 23, 2019 8:23 PM
To: (b) (6), (b) (7)(C) (USACT)
Cc: Durham, John (USACT)
Subject: Re: Overstock CEO gave info to DOJ for John Durham’s review of Russia investigation origins

Yes I am aware. More when we speak.

Sent from my iPhone

(USACT)

From: (b) (6), (b) (7)(C) (USACT)
Sent: Friday, August 23, 2019 8:41 PM
To: DuCharme, Seth (OAG)
Cc: Durham, John (USACT)
Subject: Re: Overstock CEO gave info to DOJ for John Durham's review of Russia investigation origins

Roger. Will call you over the weekend. Thanks

Sent from my iPhone

> On Aug 23, 2019, at 8:24 PM, DuCharme, Seth (OAG) - (b) (6) wrote:

> Don't take any steps to run down till we get a chance to talk. I'm in the office Monday and available all weekend on cell.

> Sent from my iPhone

>> On Aug 23, 2019, at 7:53 (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) wrote:

>> Seth: This is an "interesting" story that we will run down. But, are you aware whether he really spoke to anyone at DOJ? Thanks

>> Sent from my iPhone

>>> On Aug 23, 2019, at 3:59 PM, DuCharme, Seth (OAG) - (b) (6) wrote:

>>> <https://www.washingtonexaminer.com/news/overstock-ceo-gave-info-to-doj-for-john-durham-s-review-of-russia-investigation-origins>

>>> Sent from my iPhone

We can be fairly sure what Byrne provided DOJ because he first went on Fox and CNN and laid it all out there. His excuse for getting laid by Maria Butina, he said, was that Peter Strzok told him to do it as an investigative ploy (the reasons why have never really made sense).

"I figured out the name of who sent me the orders and this has been confirmed. The name of the man who sent me was Peter Strzok," Byrne exclaimed, naming the embattled former FBI agent at the center of the right's Spycgate conspiracies. "This is going to be quite a whirlwind."

At times bursting into tears, Byrne alleged there was a "big coverup" of "political espionage" that was connected to President Trump, Hillary Clinton, Marco Rubio and Ted Cruz, insisting that "this is not a theory" of his because he was "in the room when it happened."

"Both catching my friend's murderer and taking on Wall Street were consistent with my values and it was my honor to help the Men in Black and it was the third time that they came to me," he

said at one point. "And I got some request, I did not know who the hell it came from and it was fishy and three years later on watching television and I realized who it was—it was Peter Strzok and [former Deputy FBI Director] Andy McCabe, that the orders came from."

Byrne said he decided to come forward with his Deep State concerns because he felt guilty for recent mass shootings.

"But the issue is, I realized that these orders I got came from Peter Strzok, and as I put together things, I know much more than I should know and tried to keep silent," he said. "Everyone in this country has gone nuts, and especially for the last year when I realized what I know, every time I see one of these things, somebody drives 600 miles to gun down 20 strangers in the mall, I feel a bit responsible."

[snip]

"No doubt Peter Strzok would watch this and say he's full of it, I had nothing to do with anything," the Fox News anchor stated.

Here is my first post on the allegations, written the same day as this Seth DuCharme email.

Strzok would ultimately deny the allegations about him specifically.

In early November, he told me that he had never met Byrne, and had "no awareness" of him before reading about him in the news in August, 2019. When I asked about one of Byrne's most incendiary claims—whether an F.B.I. agent might instruct someone to pursue a romantic relationship with a suspect in order to gather intelligence—Strzok said that the Bureau had thirteen thousand

agents, and that, though he couldn't dismiss Byrne's story out of hand, it sounded "extraordinarily fantastical." He went on, "This isn't some James Bond film—we don't tell people, 'Go bed this vixen for your country.' "

And, unless I missed it in John Durham's report, he did not even include this among the things he investigated.

It's hard to know how seriously DOJ took it, but DuCharme's involvement shows it had the same kind of high level interest as the Alfa Bank anomalies. One of Bill Barr's key advisors was involved in it. And whatever heed DOJ paid to it, would be hard to take Byrne's allegations less seriously than the Cyber agents who dismissed the Alfa Bank anomalies in barely more than a day, making substantial errors along the way.

Plus, DOJ withheld this information under a b7A exemption, reflecting that it was treated as part of an ongoing investigation, until Durham finished. Someone at DOJ treated this with enough seriousness to bury for four years. Which raises the prospect that Durham believed it was sound to criminalize Michael Sussmann, a Democratic lawyer sharing a honestly held tip, but chose to do nothing about a guy with ties to a convicted Russian agent sharing wild conspiracies.

And here we are, four years later, and Byrne continues to share wild conspiracies, most that undermine American democracy.

And now, amid reports that Jack Smith is zeroing in the December 18, 2020 meeting at which Patrick Byrne and others pitched seizing voting machines, Byrne is suggesting he has – and plans to release – kompromat on Smith (he may have deleted this but this thread repeats the theme).



Patrick Byrne @PatrickByrne

9h

Interesting. It might also come down to what I have on Jack Smith.

On a previous stop on his journey, Jack was a very naughty boy. And was videotaped in his naughtiness. He doesn't know that yet. But I suppose he does now.

rēalist @bdc63

Replying to @PatrickByrne

this bullshit continues until Trump shows what he's got on them. I know, I know, "let them think you are weak when you are strong," but for the love of God, this needs to stop.

I'm not saying Byrne *should* have been prosecuted for making unsubstantiated claims about the Russian investigation – unless the government can tie his motive to Butina's operation.

I'm saying the contrast with what Durham did with Michael Sussmann and what he didn't do with Byrne is a stark indicator that he would criminalize Democratic politics while ignoring crazy conspiracies from someone with direct ties to a Russian influence operation.

Update: Added a second part from the FOIA. h/t Brian Pillon.