

MICHAEL BROMWICH WARNS OF ROBERT HUR REPORT AHEAD OF RELEASE

Merrick Garland has informed Congress that Robert Hur, the Special Counsel who spent an entire year confirming that when Joe Biden discovered classified information, he returned it, has finished his investigation and will release it pending a privilege review.

ABC's report on the release raises cause for concern. Former Inspector General Michael Bromwich, who represented twenty witnesses in the inquiry (and who also has represented Andrew McCabe in avenging his firing), cautions that Hur is refusing to ensure he has the proper context for the interviews he did.

According to attorney Michael Bromwich, for the past month he has repeatedly suggested to Hur's team that – without such a review – Hur might miss “proper factual context” for the information that each of his clients provided.

But, as Bromwich described it, Hur's office repeatedly told him that none of the witnesses in the probe would be able to see the report before it became public.

“It's a huge process foul, and not in the public interest,” Bromwich told ABC News.

An attorney representing other witnesses agreed, saying that his clients should be able to review a draft of Hur's report before its release.

The ongoing dispute underscores a growing concern among Biden's closest aides – and the attorneys representing them – that Hur's report could be

substantially critical of Biden, even if it doesn't recommend charges against him.

ABC News previously reported that Hur's team had apparently uncovered instances of carelessness related to Biden.

Speaking to ABC News on Wednesday, Bromwich said he expects anecdotes and information provided by many of his clients – ranging from junior staffers to senior advisers – to be included in Hur's report, but he declined to offer any specifics.

However, Bromwich noted that Hur's investigation has been so far-reaching that investigators even interviewed waitstaff who had worked an event at Biden's home in recent years to determine if they might have been exposed to classified documents.

Hur is absolutely right that other Special Counsels have not offered witnesses the ability to review a report before its release.

But his immediate comparison is a tell.

Hur, a close associate of Rod Rosenstein who served as his Principal Associate Deputy Attorney General during (and therefore supervised) the Mueller investigation in its earliest, productive phase, may be thinking of the Mueller Report. In its first 200 pages it laid out how Trump's willingness to welcome Russian help during an assault on democracy showed evidence for, but not enough to charge, a conspiracy (though the investigation into Roger Stone for such a conspiracy remained ongoing). All of it, though, was tied to a series of prosecutorial decisions. In its second 200 pages, it described obstructive conduct as *President* that could not be charged.

Rosenstein, after barely keeping his job in the wake of disclosures that he had considered

wiretapping the President, participated in a corrupt declination for those actions.

There are key differences between the Mueller Report and what we should expect the scope to be for this report – notably, that much of the conduct pertains to what happened between the time Joe Biden left the Naval Observatory and when he moved into the White House.

And, more importantly, Bromwich advised people to cooperate. And such cooperation no doubt freed Hur to search and search and search in a way that was not possible when key witnesses were lying to obstruct the investigation, as happened with Mueller.

That's how you spend over a year confirming what was known from the start.

But Hur's stance also comes in the wake of the Durham Report, which because of a supine press, has never been exposed as the propaganda hit job it is. It is provable that Durham:

- Was appointed without evidence any potential crime had been committed
- Engaged in a review of other investigations taken during an election (and lied about the results), something that is not remotely a prosecutorial function and does not remotely belong in a SCO report
- Fabricated a key claim against Hillary Clinton, one which he pursued for years
- Renewed allegations against defendants who were acquitted at trial
- Made claims about witness

cooperation that at least one has disputed publicly

- Failed to make prosecutorial decisions for one crime he investigated (the Italian referral) and the statement for which there was most proof it was a deliberate lie
- Engaged in selective editing to substantiate false claims

Only the last of those – selective editing – was a claim that was credibly made about Mueller (in his editing of an obstructive voice mail John Dowd left for Mike Flynn’s attorney).

And it comes in the wake of David Weiss’ decision – taken in tandem with long-time associates of Rosenstein and Hur, Leo Wise and Derek Hines, and in the wake of pressure from Baltimore-based IRS Agent Gary Shapley – to ask for Special Counsel status *because* he wants to write a report. (As I have noted, I think that may be one point of Abbe Lowell’s SCO challenge to Weiss’ appointment; to attempt to enjoin a report that is not legally justified.)

Because of the aforementioned supine press, because there is no accountability structure in place for Special Counsels, and because as prosecutors they enjoy broad immunity (though Durham tellingly backed off false claims he made in his report when he testified to Congress), the Special Counsel process was exploited by Bill Barr in retaliation for Rosenstein’s appropriate decision to appoint one.

I don’t expect Hur’s report to be as corrupt as Durham’s. I expect it to overcompensate for claims that Trump was treated differently for intentionally stealing 300 classified records (and hiding still more) than Joe Biden was for negligently taking some home and then giving them back.