

# THE LESSONS OF ZERO ACCOUNTABILITY FOR A KASH PATEL BUREAU

This is not your Chris Wray resignation post.

That'll come later.

This post is a lessons learned about how Republicans – not just at FBI – exploited efforts to share fabricated evidence about Hunter Biden with Wray's FBI.

In this post, I laid out the five different examples of fabricated evidence FBI or DOJ dealt with in the Hunter Biden case, along with four more instances where we can't assess the rat-fuckery.

1. After sharing a debunked Fox News meme, Alexander Smirnov makes false claims of bribery
2. Derek Hines narratively plants a crack pipe in Wilmington
3. The gun shop *also* lied on the gun form
4. Tony Bobulinski['s FBI report] claims he saw a diamond pass hands
5. Gal Luft claims Joe Biden met directly with CEFC Chairman Ye in 2016
  - FBI enthusiastically welcomes "The Economist's" claims
  - The Scott Brady side channel launders dirt Rudy Giuliani

- obtained from Russian agents
- FBI makes Peter Schweizer their special Hunter Biden informant
  - Judge Maryellen Noreika admits a laptop that has never been indexed

I argued that several examples of that fabricated evidence directly harmed Hunter Biden's due process. The pressure to chase Alexander Smirnov's alleged attempt to frame Joe Biden with bribery seems to have played a significant role in the collapse of Hunter's plea deal and the ratcheting up of charges afterwards. At least as early as Hunter's bid to defeat a vindictive prosecution claim, AUSA Derek Hines misrepresented Hunter's own memoir to claim the book helped prove Hunter was doing drugs when he owned a gun, a misrepresentation Hines sustained before the jury that convicted Hunter. While evidence that *others* lied on gun purchase forms, as the gun shop owner had done by doctoring the very gun form on which Hunter was convicted of lying, is routinely excluded at trials, doing so in this case prevented Hunter from arguing his lie was not material.

Fabricated evidence was allowed to infringe on the due process rights of the son of the President. And the dick pic sniffing media didn't make a squeak.

But in other of the attempts to politicize Hunter's case that I laid out, things worked the way it is supposed to. Other examples of fabricated or potentially fabricated evidence were excluded by diligent prosecutors or FBI agents. AUSA Lesley Wolf attempted to keep dirt funneled from Russian spies, Smirnov, and Rudy Giuliani through the Brady side channel from infecting the case. At the request of case agents, FBI supervisory agent Tim Thibault shut down Peter Schweizer as an informant ... again, out of an interest to preserve the integrity of

the case. Someone in that same vicinity deemed Tony Bobulinski's claims to be suspect, so investigators didn't rely on his testimony, but continued to investigate Hunter's payments from CEFC via other means.

But this is the important lesson, especially going forward: those efforts to maintain the integrity of the investigation were punished, severely. House Republicans (assisted by the disgruntled IRS Agents, in the case of Wolf), treated Wolf and Thibault like villains, eliciting threats against them and leading to their retirement. Because they attempted to prevent the case against Hunter from being deliberately politicized, Trump's allies in the House made them pariahs and chased them out of government.

This is what already happened to people who tried to uphold rule of law. This is what will happen more going forward. Congress will work in tandem with a politicized DOJ to ensure that the good guys get targeted and chased out.

Often, House Republicans efforts to demonize people who had upheld the integrity of evidence relied on "whistleblowers" who (with just a few exceptions) had themselves been caught politicizing law enforcement themselves, and to retaliate, ran to Jim Jordan to complain.

Aspiring FBI Director Kash Patel funded some of these people telling stories to undermine FBI's efforts to uphold its integrity.

That's not the only role the House GOP played in this process.

Congressman like Jim Jordan and James Comer are protected by Speech and Debate even if they lie. And they did lie – or perhaps were too stupid to realize the claims they made were baseless. They lied on right wing propaganda outlets. They lied in reports and hearings.

Whereas the legal prosecution against Hunter generally relied on actual facts (even if Derek Hines moved them around to where he wanted them

to be), the House did not. They platformed Bobulinski (and then thought better of it), they championed Luft and Smirnov (and then thought better of it), they championed the Brady side channel. They made Matt Taibbi's mistaken misrepresentations about the FBI a repeat feature. They turned loan repayments and daily check-in calls into international spy scandals. They guaranteed that the claims discarded by the Bureau because they didn't meet evidentiary standards would be magnified in the public sphere.

In the Republican House, you don't need facts to make a case in the court of public opinion. And such false claims played a key role in persecuting even the people who had done nothing more than exercise their First Amendment rights, people like disinformation experts and former spooks honestly expressing concerns about Russian influence operations.

As Kash Patel likely assumes control over an agency that is supposed to be bound by facts – but that even under Wray had begun to be corrupted by Trump's politicization – remember how Congress has served as an annex to the presumptively evidence-bound investigations as to matters of law, an annex spun free of such bounds. Even before Patel dismantles those bounds, there's always the alternative of having the loudmouths in Congress do Trump's dirty work.

Importantly, the loudmouths can do so only as long as a supine press plays along.

But play along they have.

With Hunter Biden, two things facilitated that. For the political and DOJ beat journalists, the existence of the laptop seemingly melted their brain, making them incapable of seeing details through the dick pics.

But for Hill journalists, process was the hook. Jordan and Comer guaranteed breathless coverage by delivering bullshit disguised as events that

Hill journalists treated as normal – a stern letter, a subpoena (issued, at first, without the authority to enforce it, which went widely unnoticed and unreported), a formal impeachment inquiry. Never mind that the *thing* underlying those events was a naked political stunt. Few ever got around to stepping back and observing that the House GOP blew almost their entire two year majority on making enemies. Few ever reported that the House GOP had spent millions of taxpayer dollars, not in paying the bills or funding highways, but in creating enemies. And by treating that process as normal legislative process, journalists normalized it all.

As we move forward to an even more politicized DOJ, keep in mind that with this kind of symbiosis already in place, with the House GOP already prepared to blow up stuff that gets thrown out by the FBI, much of Patel's work – chasing out honest people trying to protect the integrity of investigations, manufacturing more bullshit claims – will be done for him.

There is one thing that Kash can and undoubtedly will do: recruit more allies – people like Schweizer, or the Proud Boys Bill Barr deputized to try to turn Antifa into a thing – to inform against Republican adversaries. With Pam Bondi's help, Kash can trade immunity for fabricated claims against his targets, just as Rudy Giuliani was selling in search of dirt on Hunter Biden.

Otherwise, though, Kash can instead focus on ensuring that none of Trump's people face consequences for their actions.