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Durham Report: Should we be Satisfied?

Steve Bakke  July 2, 2023



The Durham report has been described by the left as meaningless and merely a “rehash.” No big deal! While Durham describes his findings as “sobering,” many on the right are angry and disappointed that there apparently will be no consequences for the high-level FBI officials in charge in during the conduct of Crossfire Hurricane.

President Trump’s Attorney General Bill Barr charged Special Council John Durham with investigating the fraudulent Steele Dossier matter and the false claims of Trump/Russia collaboration in the 2016 presidential campaign. Durham’s charge included answering this question: “Was there adequate predication for the FBI to open the Crossfire Hurricane investigation” and matters evolving from there after its inception. In other words, should the FBI have done what they did?

We don’t know how much official resistance Durham encountered and can only speculate what decisions he may have made to avoid getting bogged down. Thankfully, he added accurate information to the public record. The report describes many details of an important chapter in the history of political hypocrisy and embarrassing U.S. government activities.

Should we be satisfied with the clearly “sobering” information Durham provided, even though it he didn’t actively pursue high ranking individuals at the FBI who were implicated in his critique of the agency? Perhaps he was setting the stage for something different. More on that later.

My reading of the report produced predictable impressions such as: The FBI didn’t follow strict “fidelity to the law” in connection with their investigation. They didn’t satisfy important internal requirements as they did their job, especially the fact that they “did not genuinely believe there was probable cause” to believe that Trump was engaged in corrupt political activities.

The FBI was “sloppy,” and didn’t perform up to their traditional standards. It relied significantly on unverified opposition research produced and funded by Trump’s political opponents, including the Clinton campaign. It’s interesting to note that Durham didn’t

recommend new rules for the FBI to follow. His recommendation is simple and precise: “renewed fidelity to the old” rules.

Deep in the report, Durham expressed something insightful and important for anyone evaluating his report. He asserts that “confirmation bias’.....played a significant role in the FBI’s acceptance of extraordinarily serious allegations derived from uncorroborated information....”



That statement expresses Durham’s conclusion that the FBI tended to believe uncorroborated “facts” if they confirmed the FBI officials’ pre-existing beliefs or biases. In other words, principals at the FBI didn’t like Trump and were looking for an excuse to destroy him. That’s an important observation. It helps explain motivations behind much of the damning factual detail. And it’s a major reason for Durham’s conclusion that the original Crossfire Hurricane investigation wasn’t justified.

It would have been more satisfying for many observers if there were immediate consequences for those who put their personal biases above the ideals of the FBI. Nevertheless, we’re left with the factual record which has been meticulously constructed. Therein must be found the value of Durham’s lengthy investigation. Powerful for some, but unsatisfying for many.

I can’t dismiss the possibility that Durham accomplished all that he considered useful and necessary. And perhaps he accomplished all that he thought possible. Consider a few realities. His report adds to a substantial public record that includes the Justice Department’s IG investigative findings, the Mueller report, and the Senate Intelligence Committee findings. All that content is well documented and widely accepted as valid. It’s there for use by anyone.

I’ve come away from this with some impressions of Special Council Durham. He isn’t the type of person who foolishly climbs out on a broken limb. He’s not prone to getting tangled up in politics. And he’s not one to waste his breath making excuses or giving lengthy defensive explanations. The process of enforcing subpoenas and conducting interviews could have bogged him down for years. And Durham couldn’t be certain that investment in time would pay off. There’s a good chance he had another alternative in mind.

Durham could be discreetly “delegating” those missing subpoenas and interviews to Congress. He’s wisely avoiding further involvement in a bitter political fight by letting the House investigations, already in progress, take over and complete the process he’s already started. We’ll have to wait and see.