


Don't Miss The Most Damning Durham Finding

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Special Counsel John Durham declared the DOJ and FBI's hearts and minds corrupted.



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Monday's special counsel report detailed extensive evidence of Department of Justice and FBI misconduct concerning the launch and handling of the Crossfire Hurricane investigation, and equally overwhelming proof of partisan motives and double standards. While the facts are critical of both the bureau and the DOJ, more scandalous is John Durham's conclusion that the inexcusable targeting of a political opponent cannot be prevented absent a curing of the corrupted hearts and minds of law enforcement and intelligence agencies.

Durham's 306-page report opened with an executive summary capsulizing the results of the special counsel's four-year investigation into the intelligence activities and investigations arising out of the 2016 presidential campaigns. While calling the findings "sobering," and previewing the widespread misconduct on which the body of the report elaborated, Durham's introductory comments emphasized he "does not recommend any wholesale changes in the guidelines and policies."

It is here that Durham made his damning indictment of the DOJ and the FBI when he stressed that "the answer is not the creation of new rules but a renewed fidelity to the old." Ultimately, he continued, justice "comes down to the integrity of the people who take an oath to follow the guidelines." And "the promulgation of additional rules and regulations to be learned in yet more training sessions would likely prove to be a fruitless exercise if the FBI's guiding principles of 'Fidelity, Bravery and Integrity' are not engrained in the hearts and minds of those sworn to meet the FBI's mission of 'Protect[ing] the American People and Uphold[ing] the Constitution of the United States.'"

For the many details that followed — every misstep retraced and every inexplicable and unreasonable action condemned — that conclusion dwarfed them all. From the hurried opening of a full investigation of a presidential campaign based on unanalyzed and uncorroborated information to the fraudulent use of FISA warrants to the disregard of exculpatory evidence, Crossfire Hurricane represented a perfect storm of failures.

But what should terrify the country is not the catalog of malfeasance the special counsel recited — for mistakes and even gross failures can be corrected — but that Durham warned of corrupted hearts and minds, unfaithful to the people and their Constitution.

Telling too was that Durham opened and closed his 300-plus page report on the Russia-collusion hoax with homage to Attorney General Edward H. Levi. Appointed attorney general not long into President Ford's term, Levi was "credited with restoring order after Watergate." Supreme Court Justice Antonin Scalia would later say of Levi, he "brought the department through its worst years."

But it was not merely Watergate. As Scalia detailed, "it was a bad time not only because of the disgrace of Watergate, which had affected the department most deeply, but there were also problems at the F.B.I." At the time, the FBI had been conducting domestic surveillance

operations, and under Levi's leadership, regulations were put into place to limit the bureau's abuse.

That history makes even more pronounced Durham's introductory reminder that "the integrity of the people who take an oath to follow the guidelines and policies currently in place, guidelines that date from the time of Attorney General Levi," is what ensures "the rule of law is upheld."

Likewise, Levi's role in reforming the FBI and bringing the DOJ out of the shadow of the Watergate scandal gives profound meaning to Durham's decision to close the special counsel's report like this:

'Nothing,' former Attorney General Levi warned, 'can more weaken the quality of life or more imperil the realization of the goals we all hold dear than our failure to make clear by words and deed that our law is not the instrument of partisan purpose.'

For all the misconduct the special counsel exposed, it was Levi's warning that Durham left us. And that, I fear, is the most significant revelation to come from the investigation: that after four years of inspecting the underbelly of the FBI, Durham saw a creature reminiscent of the one running wild under Nixon.

Sadly, Durham's words are unlikely to resonate with Attorney General Merrick Garland and FBI Director Christopher Wray. For they stand idly by while history repeats itself with the favoritism previously shown to Hillary Clinton now being bestowed on Hunter Biden and the Biden family. But the special counsel's entreat could still succeed from the bottom up if the honorable and faithful men and women of the FBI join the ranks of whistleblowers and revolt against those leaders corrupted in heart and mind.

Margot Cleveland is The Federalist's senior legal correspondent. She is also a contributor to National Review Online, the Washington Examiner, Aleteia, and Townhall.com, and has been published in the Wall Street Journal and USA Today. Cleveland is a lawyer and a graduate of the Notre Dame Law School, where she earned the Hoynes Prize—the law school's highest honor. She later served for nearly 25 years as a permanent law clerk for a federal appellate judge on the Seventh Circuit Court of Appeals. Cleveland is a former full-time university faculty member and now teaches as an adjunct from time to time. As a stay-at-home homeschooling mom of a young son with cystic fibrosis, Cleveland frequently writes on cultural issues related to parenting and special-needs children. Cleveland is on Twitter at @ProfMJCleveland. The views expressed here are those of Cleveland in her private capacity.

DOJ

FBI

John Durham

Russia collusion

Russia hoax

Russia-collusion hoax

special counsel

Special Counsel John Durham

Watergate