

MSNBC's *Katy Tur Reports*

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13 minutes and 55 seconds

KATY TUR: It was highly anticipated. What did we learn from it?

KEN DILANIAN: We're still trying to determine exactly what's new in here, Katy, as we go through this 300-page exhaustive report, but the argument that John Durham is making here is an argument he's made before which is essentially that he doesn't believe the FBI had the proper predication, was fully justified in opening that counter-intelligence investigation codenamed Crossfire Hurricane back in 2016 into the Trump campaign. He says that the FBI acted hastily and on uncorroborated, raw information. And he says that there was other information, for example, about the Hillary Clinton campaign, involving a foreign government that wanted to try to influence them that the FBI didn't react to in similar ways. Now, what's — one of the most important things to know about this report is that this is directly contradicted by a 2019 report by the Justice Department's inspector general, which also looked into all of these events and interviewed a lot of these people, and concluded that the FBI was justified in opening that investigation. And also that those decisions were free of any political bias. I mean, famously, some of the FBI agents, in particular, one, Peter Strzok had expressed a lot of bias and hatred and animus against Donald Trump in texts that later became public, but he was one of a group of people who made the decision to open this investigation. And remember, it was based on a Trump campaign aide, George Papadopoulos, telling an Australian diplomat that the Russians had gone to the Trump campaign, and said they could leak information damaging to Hillary Clinton that would be helpful to the Trump campaign. And, as you know, and as all our viewers know, at the end of the road, the Robert Mueller investigation issued a report and found no evidence or they couldn't establish coordination — formal coordination between the Trump campaign and Russia, but they found a host — dozens and dozens — of troubling contacts between Trump campaign officials and Russian officials, and a Senate Intelligence committee report, a bipartisan report went further and said that posed a counter intelligence risks to the United States. But now, John Durham has come and investigated for four years. He's not charging any FBI officials with crimes but he's saying in a report he believes the FBI acted inappropriately and was gullible and accepted information that it should not have.

TUR: That's an admirable summary of everything that's happened over the past eight years or so, Ken, but just to go back to straighten it all out because even I, who have reported this, followed it as closely as I did, it gets confusing.

DILANIAN: Yeah.

TUR: So, Crossfire Hurricane, that was the initial investigation, the opening of the investigation into Donald Trump's 2016 campaign, and — and — just a reminder, it's because of that campaign aide, that low level guy, George Papadopoulos who said something to an Australian diplomat, and that got passed along. There was also the Steele dossier. walk us through what the FBI had, what the DOJ watchdog found that the FBI had in opening the investigation into

Trump's campaign?

DILANIAN: So, the Steele dossier is a point — a sore point among Durham and the lot of other people because, essentially, by now, the FBI was unable to corroborate any of it. It was essentially a bonus document. But it was used by the FBI to justify the Foreign Intelligence Surveillance warrant against one Trump campaign aide, Carter Page, and that was found both by the inspector general and John Durham to be wildly inappropriate. And, in fact, the only criminal conviction John Durham got was against an FBI lawyer names Kevin Clinesmith, who admitted to falsifying information in a Carter Page FISA warrant and he got probation, and his law license was suspended for a year. But, so, the dossier was — is found to be sort of a — not a great moment for the FBI as part of all of this, but, they — you know, one piece of evidence that they had, as you know very well that was weighing on the mind of senior FBI officials, was that infamous comment that Donald Trump made to you where he said Russia, if you're listening, I hope you can find the 30,000 e-mails on Hillary Clinton's missing server, whatever it was, essentially appealing to the Russian government. Now, he says he was joking but it gave pause to a lot of people and made clear that Donald Trump was prepared to accept help from Russia and factored into the decision by the FBI to open that counter-intelligence investigation.

TUR: Well, on the note of joking, I did ask him in the moment, just after he said that, does it not give you pause to ask a foreign government to get involved, and he said no, it does not.

DILANIAN: Right.

TUR: So, in the moment, he did not say he was joking. In the moment, he said he was very serious and —

DILANIAN: Exactly.

TUR: — there was that — that — tha move that was later revealed in the — in the Mueller indictment, I believe, that Russians did start hacking or trying to hack —

DILANIAN: That's right.

TUR: — into Hillary Clinton's e-mails. The FBI has released a statement and a letter from the FBI general counsel to Mr. Durham and says attributable to the FBI, "the conduct in 2016 and 2017 that Special Counsel Durham examined was the reason that current FBI leadership already implemented dozens of corrective actions, which have now been in place for some time. Had those reforms been in place in 2016, the missteps identified in the report could have been prevented. This report reinforces the importance of ensuring the FBI continues to do its work with the rigor, objectivity, and professionalism the American people deserve and rightly expect." All right, Barb. Let's talk about the legal aspects of it and remind us, John Durham brought a couple cases to court, but he didn't get a prosecution in either one.

BARBARA MCQUADE: That's correct. He brought two cases. One, the one Ken just mentioned, the Kevin Clinesmith case, where there was a guilty plea in that case for falsifying a

document used for the FISA case, but then there were two others. There was a case there was a lawyer against Michael Sussmann for false statements to the FBI that was acquitted at trial and another one against a defendant against Danchenko found not guilty in a case alleging that he was acting as an agent of a foreign government, so there's not really a lot of steak to show for the sizzle here. I think the good news about this is that it's over, it's done. This is the final report and there's absolutely nothing new here. I think that what might be concerning is if there was some new piece of information that was disturbing that was unknown before, but this is a rehash of all the things that were included in the inspector general's report that, as the FBI says, have been remedied and really is simply, in my view, a disagreement of opinion. The inspector general said there was adequate predication for this. I've seen cases opened for far less, and it wasn't based on the Steele dossier that the case was opened. It was based on the statements by George Papadopolous they had stolen e-mails from the Democratic National Committee and Hillary Clinton. If the FBI had not investigating that, I would have said shame on them. And remember, this was not an investigation into the Trump campaign so much as it was an investigation into Russia for its efforts to interfere with U.S. elections and so, I think this is an ugly chapter that I'm glad to see closed and Durham hopefully can ride off into the sunset now and be done.

TUR: And there were a number of Russian nationals who were indicted by the DOJ.

MCQUADE: Indeed.

TUR: All right. Let's talk about the politics of this. Joining me now is NBC News correspondent Vaughn Hillyard. You just can't, Vaughn, separate this out from politics as Donald Trump is running again and he's been running on this witch hunt against him. He's obviously used that for years and years now. How do you expect to hear him talk about this on the campaign trail? And then, I wonder, do you think it resonates not with his base, we know it does, but with anyone outside of his base?

VAUGHN HILLYARD: Well, number one, this is the report that he was waiting for.

TUR: Yeah.

HILLYARD: e was waiting for prosecutions, Bill Barr appointed Durham as the special counsel, and this was going to be his opportunity to reveal the Deep State. Well, the special counsel has done his work and this is the extent of what able — he was able to reveal. And for Donald Trump, this completely undercuts his efforts to try to manipulate the electorate. Every single time, whether it be from Manhattan district attorney's effort to E. Jean Carroll's trial against him, he goes it Russia, Russia, Russia — it's his go to line — they found nothing. Of course, that's not true. They found multiple individuals, indicted them, prosecuted them from Roger Stone, Paul Manafort, those, ultimately, were financial tax fraud schemes, but also the 12 Russian nationals you mentioned. They did, in fact, hack into DNC e-mails and to John Podesta's e-mails. They did, in fact, release those e-mails. Russia Russia Russia was nothing. As you said, in that press conference, he did urge them to go find the e-mails and so the issue for him is that, right now, he doesn't have anybody to hold up as the witness or as the evidence that there was some grand scheme within the Department of Justice and the FBI to undermine him and that is what

the conclusion of this is and while he was in the White House, he had four years to prove that active effort to undermine him, and he struggled here.

TUR: Do you hear when talking to people outside of the rallies maybe or, you know, cab drivers or people on planes, the people you talk to that aren't the diehards that show up for the rallies, these are the people that I found most informative in 2016, what are you hearing about Donald Trump and his message to the American public and his reason for asking them to re-elect him?

HILLYARD: I mean, look, this is part of why he called in to Michael Flynn this weekend to — who's hosting a Christian nationalist, a conspiracy theorist, Q-Anon conference in Florida. Michael Flynn was one of those individuals who was prosecuted and pled guilty as part of the Mueller probe. He lied to investigators, to the FBI, about his contacts with Russian officials, including the Russian ambassador during the transition period. He was — he was about to be sentenced and instead, Donald Trump pardoned him after the 2020 election. And, when I hear from folks, they view Donald Trump as the person who is going to take that fight to the politicized Justice Department. We hear this directly from folks. They look at Michael Flynn as one of those justice warriors who was wrongly prosecuted, like, despite the fact that he pled guilty. That is where — we're talking about eight years of investigations, this is where the part — you said it's confusing, it is hard, ultimately what were the contacts between the Trump campaign and Russia? It gets buried really down to Donald Trump making the case of Russia, Russia, Russia and what he is going to do is going to turn to those who have been loyal to him. One of those individuals is Michael Flynn, who is going to make the message that he has been unfairly targeted

TUR: Alright, let's ask former chief communications adviser for former House Speaker Paul Ryan and MSNBC political analyst Brendan Buck. So, Brendan, how do you see this landing politically?

BRENDAN BUCK: Yeah, like so much of our politics it's a little bit of choose your own adventure. I understand what Vaughn said, but I think we have to — we all agree that Donald Trump is going to paint his own picture here and I think it — most people don't appreciate how much is ingrained in the psyche of a lot of Republican voters that the FBI was out to get Donald Trump and I think there is going to be more evidence here for Donald Trump to make that claim again. And it is, you know, to the extent a lot of that is nonsensical when there are things that you saw that the special counsel or the I.G. have said that the FBI made error, that's all Donald Trump needs to continue to play victim here and it is so built into the way he is. So, I think he's going to try to take advantage of this because it works because it's core to who he is and look, he has a lot of people out there who are going to be ready to amplify this. Jim Jordan, the chairman of the House Judiciary Committee has already said that he's invited Durham in for a hearing next week where you can imagine they're going to try to make this argument as many different ways as they can that, whether it was biased or not, there was a conspiracy to hurt Donald Trump and all that does is lift him up again. It seems no matter how many times what should be bad news for Donald Trump, he finds ways to make the best out of it. And I imagine he and his allies are going to be trying to do that for the next week or so.

TUR: So, Ken, I think the Department of Justice doesn't want to be a part of politics. Obviously, there's a political appointee at the top of it. But the FBI especially, they don't — they don't want to be seen as political actors and in the past eight years, they have been heavily involved in politics, whether they want to be or not. How does the Department of Justice feel about trying to extricate itself from the current moment we're living in?

DILANIAN: I think that was reflected in the statement that you read from Chris Wray, the FBI director, who really does want to distance himself from the decisions made by his predecessor, James Comey and by Andrew McCabe, the deputy director at the time, and is really sending the message and has been throughout this, in his testimony before Congress, hey, that was the old regime. We've changed the way we do things. This couldn't happen again the same way, particularly around the rules about getting these kinds of surveillance warrants, but also, the treatment of presidential campaigns. There's an acknowledgment among some people inside the DOJ, there should be a higher bar when you're talking about investigating a presidential campaign because of the impact of the revelations of that investigation. And there's an awareness, however justified this investigation was and however many convictions it got on ancillary matters, the biggest question that it was trying to answer, it didn't come up with the answer that a lot of people thought was there, which was they didn't find Trump coordination, formal coordination, with Russia and it put the country through a lot of sturm und drang. And so, the Justice Department really wants to distance itself from that and make sure that doesn't happen again.

TUR: Is that Chris Wray saying he would not have opened the investigation? We only have a couple seconds left. But, is that how you read it?

DILANIAN: No, I wouldn't say that. But I think he thinks there were steps not taken there should have been more care taken and that there was use of things like the Steele dossier that never should have happened.