

Gaslit Nation Transcript
12 January 2022
Merrick Garland Both-Sides the Coup
<https://www.patreon.com/posts/merrick-garland-61044216>

President Joe Biden:

From the brutality of Bloody Sunday and the Edmund Pettus Bridge came historic voting rights legislation. So now let's step up, write the next chapter in American history where January 6th marks not the end of democracy, but the beginning of a renaissance of liberty and fair play. I did not seek this fight brought to this Capitol one year ago today, but I will not shrink from it either. I will stand in this breach. I will defend this nation and I'll allow no one to place a dagger to the throat of democracy. We will make sure the will of the people is heard.

[intro theme music]

Sarah Kendzior:

I'm Sarah Kendzior, the author of the bestsellers, *The View From Flyover Country* and *Hiding in Plain Sight*, and of the upcoming book, *They Knew*, coming out this September.

Andrea Chalupa:

I am Andrea Chalupa, a journalist and filmmaker and the writer and producer of the journalistic thriller, *Mr. Jones* about Stalin's genocide famine in Ukraine.

Sarah Kendzior:

And this is Gaslit Nation, a podcast covering corruption in the United States and rising autocracy around the world.

Andrea Chalupa:

This week's Gaslit Nation early show, available for Patreon subscribers at the Truth Teller level and higher, is a recording of the sounds of Sarah and I smashing furniture following the news of Paul Manafort's book deal from Simon & Schuster, a blood money machine apparently. Be sure to tune into that. We're also answering questions for our listeners at the Democracy Defender level and higher as Gaslit Nation's community continues to keep us sane. Thank you for all your questions. We always enjoy hearing from you. To submit a question to me and Sarah, sign up on the Gaslit Nation Patreon at the Democracy Defender level and higher. We just need to get through these years together and we appreciate all your support. So first up we are going to be diving into the big Merrick Garland speech on January 5th, in tribute to the horror show of January 6th, 2021, when Trump and his white supremacist terrorist army tried to violently overthrow our democracy and install Trump and his family as a dictatorship. To give us a breakdown of Merrick Garland's speech—a quick summary—is Merrick Garland's own professor from way back when, Lauren Tribe speaking on MSNBC. We'll play a clip of that now.

Lawrence O'Donnell:

Professor Tribe, what did you hear in that speech today?

Professor Laurence Tribe:

I heard a person of great principle and integrity—very smart—I heard him describe one important set of investigations going from the ground up, from the boots to the suits, in terms of the January 6th perpetrators. It's important that he do that, but I heard absolutely nothing—nothing—about the larger plot to overturn the election. That was not January 6th. January 3rd was the date on which the president—then president—twisted the arm of Raffensperger. Late December, he was doing things with people like Jeffrey Clark. That broader plot was Plan A. Plan B was the one they had to resort to with the violence at the Capitol. It doesn't necessarily, you know... You don't work your way up from the people who smashed windows to the arm-twisting which itself violated federal law. It was part of a broader plot. It doesn't necessarily take a long time to build a case for seditious conspiracy.

Professor Laurence Tribe:

In fact, I was looking it up. In March of 1954, 10 Puerto Rican separatists stormed the Capitol, but they were prosecuted not for violating the physical space: They were prosecuted for seditious conspiracy. A year later, they were sentenced to 16-75 years in jail. A year later. You don't have to move slowly when the clock is ticking. The clock is ticking here. I agree very much with Adam Schiff. There's no basis for the attorney general to be waiting on that broader investigation, and yet the scary thing is there is simply no indication that the Department of Justice is investigating that broader plot.

Andrea Chalupa:

In his speech, Garland announced there have been over 700 arrests related to the January 6th attack on the Capitol. The speech also focused heavily on voting rights as Republicans legislate the Big Lie on the all-important state government level, where our elections are certified. The speech—I kid you not, you can listen to it yourself—Garland's speech both-sides the coup by pointing out there's political violence on both sides, when in reality we've been hearing for several years now from the FBI and others that white supremacy terrorism, AKA Trump's base, is the most dangerous terrorist threat America faces. It's very clear that the political violence and determination to turn our democracy into an authoritarian prison is overwhelmingly coming from one side, a danger Garland did not acknowledge. Instead, he stressed that he does not have an agenda. If that is true, why did his DOJ approve funding for Durham's agenda-driven witch hunt investigation of anyone who dared to warn or provide assistance to law enforcement about Trump and Russia?

Andrea Chalupa:

Allowing the Durham investigation to continue, funding that farce—so the taxpayer dollars is very much a stink on Garland's DOJ—Garland is allowing himself to be used for a right-wing agenda. And so, in his statement that his department “has no agenda”, that is proven false by his DOJ support of the Durham charade. Those who want to believe that American democracy is like Disneyland and that we'll eventually have our happy ending, nevermind the decades of institutional decline and none—or very little—accountability for such dangerous disasters as Watergate, Iran-Contra, Bush's wars in Iraq and Afghanistan, Wall Street crashing the global economy in 2008, and rampant greed and corruption that allows disinformation machines like Facebook and Fox News to thrive while hedge funds gobble up and destroy newspapers and other local news outlets that expose corruption at the root. There is no democracy Disneyland. People can comfort themselves all they want, stick their heads in the sand and listen to other white people reassuring them that everything is fine, but for non-white communities,

especially Black and Indigenous people who know American history as authoritarian history and the legacy of those threats in our lives that continue today, everything is not fine.

Andrea Chalupa:

Our system is broken and therefore Garland and the DOJ should not be given the benefit of the doubt. We are the ones—Sarah and I, here on the show—we warned well in advance that Robert Mueller's investigation was a sham. So prepare yourselves now for Trump to get away with his crimes. We want to be wrong about this. We always want to be wrong about these things. We want to believe in democracy Disneyland, because it feels good, but we have kids who have to inherit this mess and we want them to grow up in a safe country where the system actually works for everybody and people are comforted by meaningful action from a strong federal government that protects democracy, not PR statements. Alright? That's very important to understand. Yes, we're going to unite in the big, messy, big tent of the democratic coalition. We're gonna fight like hell in the 2022 midterms. We are going to do everything we can to reverse the historical trend of the president's party losing the midterms.

Andea Chalupa:

We're gonna fight like we are going to win. We're gonna fight on every single front. We're gonna bring our community of listeners together. We're gonna show up. We're gonna do what we can because we've done that every major election since the start of this show, because we need to do that for our democracy to survive. We have no choice. Sarah and I point out what's wrong, and then we point out what we need to do, and then we fight like hell to hold the line. We do that for our children and your children. We do that for all the people who have suffered far too long in vulnerable communities. We do that to brace for impact and stand a fighting chance for when the worst of climate change starts to hit. Alright? So we're not saying any of this to demoralize you. We actually feel it's very healthy and normal to shine a light on what's wrong. That way, you can address it and confront it and get rid of the darkness.

Andrea Chalupa:

So we're just here shining our light because that's what we know to do, and we're gonna stand in our truth. It would be a lot more lucrative for us—it'd be a lot more fashionable—we would certainly not be on some blacklist at MSNBC—if we were to say that everything's fine, Garland will save you, here are all the ways that Garland is doing the right thing and everything's great. If we were to sell you that Kool-Aid, it's actually better for us. It's much better for us, financially. Bbut instead, you know, Sarah and I remain the goth girls in the high school cafeteria that no one wants to sit with.

Sarah Kendzior:

<laughs>

Andrea Chalupa:

<laugh> And that's fine. I'm comfortable with that. I like Sarah's company. I think after all these years she likes mine, more or less. And so we're gonna be comfortable at our little corner table away from the jocks and cheerleaders. So at the commemoration for the officers who lost their lives, only two Republicans showed up; Representative Liz Chaney and her powerful shadow broker father, the Halliburton puppetmaster of the George W Bush terror regime, Dick Chaney, which shows you how far country has morally fallen. President Biden delivered a fiery speech on January 6th which you heard a clip of at the start of our show. He said all the right things and we would like more of this. He also

subtweeted Trump relentlessly, which I approve of. It's a very effective strategy in not giving a narcissist the attention and drama they crave. Meanwhile, the other night, Emily Hernandez, a young woman who stormed the Capitol on January 6th and got off with a slap on the wrist, killed a mother of two while drunk driving. The victim's mother demanded to know why Emily Hernandez was not already locked up. According to *The Daily Beast*, she said: "Why is she still out with what she did to the government? Why is she still walking the street?"

Andrea Chalupa:

This tragic story draws attention to the fact that many of the people that Garland claimed that they're going after—that they're prosecuting—have really gotten away with a slap on the wrist. Unfortunately, with this latest tragedy, those are questions we—many of us—are demanding to know: Why are these people still out with what they did to the government? Why are they still walking the streets? That is the question many of us have about Garland's January 6th investigation that has been far too lenient on the white people who tried to bring down our government. What's more, in Garland's speech, he promised to investigate this crime from the bottom up, nevermind that we saw the central planning committee for months prior to January 6th; Trump, Stone, Bannon and so many others who plotted to overthrow our government in several attempts to steal the 2020 election, all out in the open, including appointing Trumpsuper donor Louis DeJoy to deliberately slow down the mail in a mail-dependent election. Louis DeJoy, who remains in power today.

Sarah Kendzior:

Yeah, I just wanna say one thing about that bottom-up strategy, which is a logical fallacy that people have been using to defend the broken DOJ since the Mueller probe. They were saying, "Oh, it's a classic mafia operation. They're gonna get the little guys that work their way up." They did not. They weren't working their way up at all, and the result was, of course, things like the January 6th attack, or Trump and his goon squad—Kushner, Mnuchin, Pence, etc.—managing the COVID response, which was disastrous then and remains disastrous now under Biden, but that's another story. But one thing specifically about this bottom-up strategy is we have public, documented, archived evidence on the internet of the absolute top-level operatives, including Michael Flynn, Roger Stone and especially Lin Wood, recruiting the operatives. They were right there on Twitter. Like, "Hey everybody, let's go do a coup on the Capitol! Let's do a violent attack!"

Sarah Kendzior:

And people would be like, "Eh, you know, do we really need to do it?" And Lin Wood would be like, "Yeah." And they'd be like, "Well, I can't afford it. And they were like, "Okay, well, we're gonna pay for your hotel bill. And also, let's all wear matching T-shirts that say 'January 6th Civil War' on them." I mean, this is something that actually happened. It is so obvious. But my point here is that we do see with the Emily Hernandez case the result of impunity, of letting people who are treated above the law go on to commit more reckless actions that, in this case, led to death. But on the whole, the threat comes from the top. It comes from decades-long, anti-American, destructive operatives like Roger Stone or Bannon or Flynn, people who worked in the United States government, recruiting these little lackies.

Sarah Kendzior:

I don't stay up in the dead of night worried that the QAnon shaman is going to come kill me. I am, however, worried that this exact group (who, by the way, as we have noted many times, are the same people involved in the 2016 election attack) are going to destroy my country, endanger my life, destroy

my children's future. And here again, I'm referring to Stone, Bannon, and Flynn, and also Paul Manafort and Trump and Kushner and the rest. The people at the bottom, I'm not urging you to have sympathy for them, but a lot of them were duped. They were told explicitly by Trump's team, "Yes, you can do this. You can attack the Capitol. Nothing is gonna happen to you. You're doing this to preserve America. You're doing your patriotic duty." A lot of them were brainwashed. Does being brainwashed excuse storming the Capitol? No. You have to have consequences for that. It's a really big deal. But these are not the masterminds of the attack. We know exactly who the masterminds are and we know that Garland is not doing anything to stop them in this very urgent moment as they plot a sequel to the coup.

Andrea Chalupa:

Yeah, I did not find his speech comforting at all. I know it was Garland's response to Twitter because Twitter has a forest fire of Biden—sorry, Garland criticism.

Sarah Kendzior:

Well, also Biden criticism. <laughs> A lot of overlap.

Andrea Chalupa:

Look, it's the reason why Biden's approval is sagging with his own supporters. The people that brought him to power, who risked their lives in a pandemic to get out the vote so Biden could be president of the United States, they're the ones who are most disappointed with him, with that sagging approval rating, because he's not doing enough to meet this moment, to meet this crisis. Neither is his mealy-mouthed, beige inside and out, business as usual attorney general, who's just going to maintain the status quo of institutional decline and elite criminal impunity. We see that in Georgia where leading Black organizers in Georgia are not coming to Biden's speech for voting rights in Georgia because they've got better things to do, which is action, which is on-the-ground action to try to protect their communities from voter suppression and win as much power as they can in that state to protect themselves and therefore our democracy, because these elections on a national level for president are certified in states like Georgia, as we all know too well.

Andrea Chalupa:

Look at what Black activists are doing in Georgia. Look at how they're essentially boycotting Biden and Vice President Harris' speech because they're tired of these empty PR speeches. They're tired of it. They need meaningful action. We all need meaningful action and this is further confirmation that the utter lack of action for any accountability of all these criminals that terrorized us for far too long—Trump and his goon squad—any accountability, any high level indictments for any of those people who drove the violence—like Bannon on his podcast, Roger Stone going out on the streets with these white supremacist terrorists and so forth—we need to see high level indictments. The American people have lived through far too much. They're treating us like we're stupid.

Andrea Chalupa:

We know what was done to us for so long. We know what's at stake. Arrest people already. Mueller packaged you a charging memo in his Mueller report. You can indict Trump on charges of obstruction of justice. You can go after Paul Manafort for breaking his plea deal. Andrew Weissmann, who was a lead prosecutor on the Mueller investigation, said, "Oh, Manafort just got a book deal? The Kremlin's longtime operative just got a book deal trying to turn him into a political prisoner, a martyr?"—language used by the Kremlin propaganda machine itself—when Manafort was under investigation and then was

finally pardoned by his longtime friend and neighbor, Trump?”—and a very limited pardon, by the way, which leaves Manafort still vulnerable to prosecution. But Andrew Wiseman, who led that Mueller investigation with Mueller, he said, “Here are all the ways this book deal from Simon & Schuster can actually be used by the DOJ to throw more charges at Manafort, but it's all up to the DOJ.

Andrea Chalupa:

It's all up to the DOJ. So, Garland has so many shiny, paper-wrapped gifts that were laid at his feet that he could act on to bring these longtime criminals to justice, to lock them up for our safety here in the United States and safety for struggling democracies like Ukraine, where Manafort made and hid a fortune for years, destabilizing Ukraine with the same dark arts he used on us in 2016. Garland has all of this in his power. Don't listen to people who try to defend Garland through extraordinarily petty technicalities, saying, “Well, in fact, actually, Garland can't be in charge of everything at the DOJ and it's actually this unit of the DOJ, so why don't you focus on them instead?” The buck stops with Garland. He is the People's lawyer. He is the Attorney General of the United States.

Andrea Chalupa:

Leadership comes from the top. Culture of any organization is set from the top. If Garland wanted to prioritize keeping our democracy safe, securing our democracy from these longtime criminals, he would set fire to all his teams to make sure it gets done. He would not be nibbling around at the edges, busying himself wasting his time on the bottomfeeders of this tiny, small fish, like Shaman, Viking and others that he's giving slaps on the wrist to. He would be going after the big fish. And we know that he's not because we know that Trump and his idiot sons and others get frothy in the mouth and start becoming verbally abusive on Twitter, on cable news, when investigators are putting pressure on them and closing it on them.

Sarah Kendzior:

And they also countersue, too. I mean, it's in court documents. They immediately show up. If one of them faces a subpoena or an indictment, they countersue immediately and that's been Trump and his team's strategy for the entire time they've existed, far, far before he went into office, dating all the way back to Roy Cohn. It doesn't matter if their suits are nonsensical. They're meant to be a show of power, and they would've shown that power if they felt threatened in any way. And they don't.

Andrea Chalupa::

Exactly. They're being eerily quiet when it comes to the DOJ and the FBI right now.

Sarah Kendzior:

Well, except when Trump said he loved Merrick Garland which, I think, much like his praise of Nancy Pelosi, was a completely sincere statement. Also when Trump has praised the media, when he's been like, you know, admitting, “Yeah, I can manipulate you into doing whatever I want. Ha ha.” Every now and again, it's like Trump almost gets frustrated with the inability of our institutions to hold him in check. It's like he's dealing with his own sadistic narcissism, pushing the boundaries as far as they go. And because there's no give, there's no pushback, there's no challenge for him here, it's like he has to amp it up a notch by just flat out admitting what he's done. He's constantly confessing these crimes and then praising the people who refuse to investigate them. And you would think, if anything, that provides a windfall of evidence and information to anyone who would want to investigate him. For example, when he confessed to obstruction of justice on television in 2017 to Lester Holt, nothing happened. So then he

goes and confesses to it again in 2021. And again, nothing happens. And so he eventually starts admitting who is truly on his side, who is controlled opposition, who are Vichy Democrats—people like Pelosi and Garland—and he's correct.

Andrea Chalupa:

You know, I want to say a warning to President Biden, as we'll get to more later in the show: Gerald Ford lost reelection for pardoning Nixon. If there aren't any high level arrests, including for Trump, for January 6th, for obstruction of justice, and other crimes and corruption, then what do you think is going to happen to you and the Democratic party? Again, the Mueller report was neatly packaged for you to indict Trump and others. Where are the indictments? Why hasn't Garland taken any action to indict Trump based on the Mueller report? That alone, right now, he could have spent the last 10 months on that. This is low-hanging fruit rotting on the vine because the statute of limitations will run out soon. As for the investigation in the House, that will be shut down as soon as Republicans come back to power in the 2022 midterms. Obviously, we'll fight like hell to stop that from happening but, historically, that's what happens in midterm elections: The opposition party comes to power as a judgment on the president.

Andrea Chalupa:

So with the House January 6th Committee gone in just a few short months, what then? Some of the most chilling words from Garland's speech were, "As long as it takes."

Sarah Kendzior:

Mmmhmm <affirmative>

Andrea Chalupa:

Garland's DOJ will investigate January 6th as long as it takes. See, here's the thing: You don't have that much time and dictatorships come to power quickly. Hitler only needed 6 months when he came to power to turn Germany, with its strong institutions, into a genocidal dictatorship. Garland knows that, yet he's not acting with any urgency. If he were, we'd hear howling protests from Trump and his idiot sons. Who are Trump and his idiot sons howling about now? New York Attorney General Tishi James and her civil and criminal investigations into the Trump Crime Family. We know that New York's attorney general is actually doing something because Trump and his idiot sons keep complaining about it.

Andrea Chalupa:

They're eerily quiet when it comes to Garland's investigation, which means they must think they're safe when it comes to Garland, who is busying himself working his way up from a bunch of dirty white people Trump used as a last ditch effort to stay in power. They know it's going to be a while before Garland eventually makes his way up to them, and by that time, should that ever happen, it'll be too late. The clock will have run out. A new president, likely Republican, will come to power in 2024 on a wave of voter suppression and Kremlin help, likely losing the popular vote but stealing the oh-so-close electoral college. That is why you don't both-sides a coup when one side is hellbent on dictatorship. They had Nazi T-shirts. Infamous hate groups like the Proud Boys and others led violent marches in the lead up to January 6th, marches that featured Roger Stone and others.

Andrea Chalupa:

They attacked a historically Black church. The young woman who stole Pelosi's laptop and tried to give it to the Kremlin posted a video of herself doing a Nazi salute. We're up against actual Nazis, and instead, Merrick Garland decides to take his time, prioritize the small fish, and while he's at it, both-sides a white supremacy terrorist coup. And we see the Proud Boys are still at it. If Trump and his goon squad were being prosecuted, they would unleash the hounds. The Proud Boys would be a lot more aggressive than they're being now. They're on a war footing. They're at war with us. There's no humanity in war by actual Nazis. The Proud Boys are being relatively calm not because so many of their foot soldiers and other idiot grassroots supporters are being prosecuted by the feds. They don't care about that. That's the price to pay as a good soldier.

Andrea Chalupa:

They're treating all those arrested for the January 6th insurrection as martyrs, as political prisoners. They're pledging allegiance to flags taken into Congress during their violent siege. They're proudly waging asymmetrical warfare in a global battle ideologically aligned with the xenophobes in the Kremlin. The Proud Boys would be stirring up major trouble right now if Trump, Bannon, Stone and others felt any heat from Merrick Garland. That's their role; to terrorize the opposition, to hold a gun to the head of our democracy. The fact that they remain active and many in Trump's base are running for office confirms that everything remains business as usual. Think about this again: Lisa Page, Bruce Ohr, Peter Strzok, Andrew McCabe. These are names that were made famous by Trump and his goon squad openly harassing men and women in law enforcement investigating him and the Kremlin, turning them as well as their families into targets, putting their lives and livelihoods at risk.

Andrea Chalupa:

This is just a handful of people that Trump ruthlessly targeted with his powerful Twitter account, putting them through hell, these once obscure men and women in law enforcement. Trump may be off Twitter, but he continues to release unhinged statements that others post on Twitter for him. The idiot sons who helped amplify the harassment campaigns of their father remain on Twitter and cable TV, screaming about New York Attorney General Tish James, a Black woman who knows very well the threat of authoritarianism, so investigations are actually a threat to white supremacist terrorists like Trump and his family. Tish James has been their target. Who are they targeting? Any obscure individuals in the DOJ or FBI? They're not doing that. They would be doing that if the DOJ and FBI were actually a threat to them right now. Trump is never quiet when he faces actual repercussions. Remember what he reportedly said after former FBI Director Robert Mueller was assigned to investigate Russia's attack on our democracy: "Oh my God, this is terrible. This is the end of my presidency. I'm fucked."

Andrea Chalupa:

Right now, Trump is acting like he's not fucked because the DOJ, under Merrick Garland and the FBI under Christopher Wray—which knew about the January 6th violent coup in advance, along with anyone else with an internet connection, and allowed it to happen—aren't doing anything to hold Trump, Bannon, Stone, Giuliani, and so many others accountable. I'm not the only one observing this. It's an obvious observation because we live with Trump's terror and harassment of countless Americans as he wielded his Twitter as a weapon against them. We even did an episode about this harassment, the cost Americans paid for upholding the law, how dangerous that was under Trump. And do you want to know what the episode was called? 'Lisa Page'. [Go back and listen to our episode, 'Lisa Page'](#), named after a former leading expert in law enforcement whose specialty is, guess what? Going after the Russian mafia.

Andrea Chalupa:

Trump was relentlessly cruel to her, his targeting forcing her off Mueller's team. That's a major talent a major player, Mueller, had to lose when he needed her most. That's called obstruction of justice. And regular obstruction of justice is what allowed Trump and Manafort and so many others to get away with working with the Kremlin to hijack our democracy in 2016. Paul Manafort, who's now coming out with a propaganda book turning himself, like the autocrats he has a long career of serving, into a victim, a martyr. More on that and how Merrick Garland can, if he had any balls, could finally bring Manafort to justice in this week's Gaslit Nation early show because we're not done with that subject.

Sarah Kendzior:

Yeah, I also want to go back to something you said about the way he's been going light on neo-Nazi groups and white supremacist groups, like the Proud Boys and the Oath Keepers, because this is actually completely in the tradition of how Merrick Garland behaved when he was at the DOJ working under his longtime friend and mentor, Jamie Gorelick. I'm going to review her history, but we did an entire episode about this horrible, corrupt woman who shaped Merrick Garland's tactics and beliefs. [You can go and listen to the episode](#). It's from October. There's a big myth out there about Merrick Garland, one that was put out by Gorelick and by a variety of media outlets when Biden nominated him for the attorney general position, which is that Garland played a seminal role in catching Timothy McVeigh and in the Oklahoma City bombing in general.

Sarah Kendzior:

And, you know, this is a myth that gets passed around largely through the massive troll bot farm that exists to protect Merrick Garland from the slightest hint of criticism on the internet. This is a troll farm that recites identical talking points. And we've gone over some of this troll farm's language before. It relies on cliches, on phrases like "Dotting the eyes and crossing the t's, Reeling in the big fish, If you come for the king, you best not up miss" instead of analysis. This troll farm has been at it for years because it is the same group of bots, the same sort of collectives—you can see this if you click on who they're following and who they follow, it's all these weird anonymous accounts—it's the same ones that did this to defend Mueller probe.

Sarah Kendzior:

And, of course, the Mueller probe failed as we at Gaslit Nation warned it would, as it was failing in real time. The only thing that wasn't a failure was the report itself which, as Andrea noted, documented Trump's many acts of obstruction of justice and provided a roadmap for indictments. But Garland refuses to even consult the Mueller report, much less pursue indictments for obstruction of justice. So, anyway, as I said, one of the tactics that this troll bot army uses is to bring up Oklahoma City, which happened when Garland was working for the Clinton administration DOJ in the 1990s. Their claims about his role, however, are total horseshit. And it is also an abject lesson here in why paywalls are dangerous. Earlier this year, we discussed so much of the news that was publicly available during the years of the Trump administration is now paywalled. So, people are left with headlines.

Sarah Kendzior:

They are left with glowing headlines like, "Out of the horror in Oklahoma City, Merrick Garland Forged the Way Forward", or, "How Did the Oklahoma City Bombing Shape Obama Supreme Court Nominee Merrick Garland?" And then they can't read the actual article which, as I will reveal to you now, contains

some pretty damning information. It also contains a shitload of quotes from the aforementioned mentor, Jamie Gorelick, who seems to have been responsible for this PR campaign that has bamboozled people into thinking that Merrick Garland is the kind of guy who would crack down on militants, crack down on white supremacists, uphold justice, pursue people who are a threat to this country. No. So to briefly review the background of Gorelick: She is the quintessential Big Law corruption lawyer, much like her mentor, Alan Dershowitz.

Sarah Kendzior:

She seeks out the worst people in the world to represent in court. This goes far beyond everybody's right to legal representation. She serves to protect deeply corrupt individuals. For example, she volunteered in 2017 to be Jared Kushner and Ivanka Trump's lawyer. This is in part how they got their security clearance which, of course, they shouldn't have had because of their endless shady foreign ties. She profited from a massive student loan corruption scheme while representing Fannie Mae. She lobbies for fossil fuel companies after they do oil spills. She lobbies for the most corrupt Big Tech companies. I mean, I could just go on and on. Pick a villain of the last 25 years and she has represented them. She is a modern Roy Cohn or, you know, a contemporary of Alan Dershowitz, because that's who trained her. And then she went on to train Merrick Garland.

Sarah Kendzior:

And then finally, another interesting thing she did: In the years before 9/11, Gorelick wrote a memo that created a wall between the FBI and the CIA, making it difficult for law enforcement and intelligence to share information about terrorists. When she was asked by the 9/11 commission to testify about this, she refused to do so. So just, uh, remember that as I tell you what I'm about to say. Alright. So, first what I want to do is refresh our memories of the Oklahoma City bombings because the Garland defenders like to come out with this narrative of, "Oh, the coup is just like Oklahoma City. It took years to prosecute. You had to be very slow. You had to be very patient, dot all the i's, cross the t's and *then* Timothy McVeigh was captured and went to prison, thanks to the heroic work of Merrick Garland." Total bullshit.

Sarah Kendzior:

It is baffling to me that people are accepting this because, first of all, unlike other incidents in American history—like Watergate—that people lie about, I was alive for this one. I was a teenager when the Oklahoma City bombing happened and this is the timeline of the case and Merrick Garland's role in it. So, on April 19th, 1995, a 4,800 pound bomb made of fertilizer and fuel oil exploded in front of the Alfred Murrah Federal Building in Oklahoma City. *90 minutes* after the bomb went off, an Oklahoma state trooper arrested Timothy McVeigh, the bomber, for driving without a license and carrying a concealed weapon. And also, McVeigh was, like, decked out in a T-shirt commemorating John Wilkes Booth. He was like the guys on January 6th with their January 6th Civil War T-shirts. He was really, really blatant about doing this crime because he was proud of it.

Sarah Kendzior:

You know, he was a true believer militant, so it was not very hard to catch him and it was not hard at all to get him to admit that he did this. So, April 20th, 1995, Merrick Garland arrives in Oklahoma City to lead the FBI investigation and supervise the case against McVeigh and his accomplice, Terry Nichols. At this point, Merrick Garland—a young Merrick Garland—gets his picture taken in a whole bunch of newspapers, which is what likely led to this current propaganda campaign that he was a seminal figure in solving the Oklahoma City bombing being effective, because people love to drag that black and white pic

out. So then the next day, April 21st, federal authorities arrest McVeigh on probable cause and Nichols surrenders. So, that's it. That is a two-day manhunt in which both of the key players were like, "Yeah, I did that. I did that and I'm super proud."

Sarah Kendzior:

It is hard *not* to arrest them. Or, you would think it would be. I mean, you would think it would be hard to not arrest the coup plotters who are just as blatant as McVeigh was about their actions, just as proud, but he's not doing it. This was one of those cases where they really didn't have any excuse, but notably, a notable discrepancy here is at that point, McVeigh, a domestic terrorist who committed a brutal crime against this country and its people, was put in prison because he was a danger. He was an active threat. It was not Merrick Garland who put him there. It was other people and it was largely due to the efforts of the Oklahoma City police and courts that did this. But, notably, that is not what's happening now.

Sarah Kendzior:

And what we are dealing with now is basically like what if a thousand Timothy McVeighs were allowed to go free after they committed a crime? That's the current stance of the DOJ. So, how did we get this myth? What did Garland actually do there? Let's hear from the defense lawyer, Michael Tigar, who is quoted in *The Atlantic's* paywalled article about, you know, "How Did the Oklahoma City Bombing Shape Obama Supreme Court Nominee Merrick Garland?" That article, by the way, is back, obviously, from 2016. And so Tigar says that he remembers the government lawyer—that is Merrick Garland—as being a distant figure in the case. And then I'm gonna quote him here: "Garland showed up for a bail hearing and that's the only time I can remember him doing anything in the case. He was sent out from Washington DC and that was it. How he got the reputation as having a great deal to do with it, you couldn't prove it to me."

Sarah Kendzior:

And so then there's another real interesting thing in this six-year-old article, which is a quote from Benjamin Wittes, whose name I'm not probably pronouncing right, so I guess apologies for that, but not apologies for what I'm about to say. Wittes, you may know. He writes for the blog "Lawfare" and he's been a defender of Bob Mueller, Bill Barr, Brett Kavanaugh, and other corrupt institutionalists. If you are a corrupt institutionalist who has worked for the DOJ, you can usually rely on Wittesi for glowing praise and excuses for your terrible behavior. But even *he* was more ambiguous about Garland. And this is his quote from *The Atlantic* article. *The Atlantic* writes: "Ben Wittes, who has tended to back greater government powers in the Fed against terrorism writes on 'Lawfare' that Garland was Gorelick's righthand man at a time when Gorelick was attempting a certain degree of integration between spies and cops, the Justice Department faced major espionage cases and it sought and received expanded surveillance authorities under FISA." So, that's an interesting quote.

Sarah Kendzior:

It's an interesting description of what Gorelick was up to at the DOJ, especially given her silence to the 9/11 commission about that memo she wrote separating the sharing of information between the FBI and the CIA. She wrote that in 1995 which, of course, is the same year as the Oklahoma City attacks. And this is interesting because back in 2010, what had been viewed up until then to be a baseless conspiracy theory that the CIA was involved in investigating Oklahoma City, even though the CIA is not supposed to investigate domestic terrorism, you know, that's supposed to be the purview of the FBI, it turned out to be true.

Sarah Kendzior:

And that information came to light only after a decade of lawsuits from a Utah attorney named Jesse Trentadue, whose brother was murdered in custody after being mistaken for an Oklahoma City suspect. And note here they already had McVeigh and Nichols. So they were, you know, the FBI was ostensibly looking for others. And this is a quote from the Utah *Deseret News*: “The CIA collaborated with the US Justice Department in the prosecution of convicted Oklahoma City bomber, Timothy McVeigh, according to a recent ruling by a federal judge in Utah. The ruling by US District Judge Clark Waddoups was issued as part of litigation by Salt Lake City attorney Jesse Trentadue, who has been struggling for nearly 15 years to unearth more information about the August, 1995 death of his brother. Trentadue believes his brother was tortured by FBI agents who were under pressure to find *those* responsible for the bombing of the Alfred P. Murrah Federal Building in Oklahoma City.”

Sarah Kendzior:

The documents Trentadue wants include various faxes, letters, and cable transmissions, including one from May 10th, 1995 that relayed “information provided by a foreign government about the possible identification of a suspect in the Oklahoma City bombing, to other documents contain information provided by a foreign contact in regards to the bombing, and background on a source who provided details to the CIA about the attack.” And everything I just read was a quote from the *Deseret News*. So this is very interesting. I want to review again what Garland actually did in Oklahoma City besides show up, do a press conference, and leave. He acted in a very similar way to what he's doing now, except for the fact, of course, that the case was quickly prosecuted. Garland buried documents. He would not let the media have access to basically any facet of the case, even though McVeigh had confessed and he was sentenced. He sealed hundreds of documents, making it difficult for Trentadue and others to get information about it.

Sarah Kendzior:

He scheduled one of the quickest executions in US history. McVeigh was executed in 2001, two months before 9/11, a mere six years after the attack. But most importantly here, Merrick Garland refused to look at the big picture surrounding the Oklahoma City bombing, which includes McVeigh's white supremacist ties to groups like the militants which were assembled in places like Elohim City, Oklahoma, also includes the likely ties of his associates to foreign neo-Nazis and terrorists abroad. That may be why the CIA was secretly involved in this investigation. Garland, instead, framed it as a low level operative acting as a lone gunman, that it was basically just McVeigh and his accomplice, Terry Nichols. And that is exactly how he is handling the investigation of the coup. He is only looking at these low level QAnon people. He is avoiding evidence that was displayed in plain sight.

Sarah Kendzior:

I don't know what he would've done about McVeigh had McVeigh not immediately confessed and been proud of his terrible crime. I mean, maybe... I don't know. All I'm saying is that he is letting the most dangerous people in America off the hook. And then I'm just gonna leave you with one more quote, in case you have been, also, harassed by the Merrick Garland troll bot farm. This is from the NPR article called “Out of the Horror and Oklahoma City, Merrick Garland Forged the Way Forward”, which is riddled with Jamie Gorelick praise. And this is just a little quote: “From the get go, Garland was looking down the road at the eventual trial and the appeals that would follow. ‘My own experience’—This is Garland talking—”My own experience had been several years after even very bad crimes, it looks different. So

you want to make sure that every i was dotted and every t was crossed', he said." Wow. Super familiar phrasing there. So yeah, a little history lesson about Merrick Garland and his corrupt backer, Jamie Gorelick.

Sarah Kendzior:

I just wanna raise one final point, which is that Merrick Garland's remarks about the Voting Rights Act and about voting rights were just as hollow in that speech as his remarks about the investigation and prosecution of the January 6th attack. And here we see Garland and Biden acting in tandem. This is why the activists from Georgia, the ones who helped turn Georgia blue—mostly Black activists from Georgia—are rejecting the hollow symbolism of Biden and Harris showing up here. They could do so much more. They could enforce action. They could be the LBJ-style civil rights presidency that many anticipated that Biden and Harris would be. Instead what they do is, you know, I mentioned this troll farm before that blathers on and attacks people who even vaguely criticize Merrick Garland. That same group of people is out there harassing the Georgia activists who worked so hard during a pandemic, dealing with white supremacy, dealing with attacks from the Trump administration.

Sarah Kendzior:

That is the viewpoint of this administration. I don't see any other sign. It's as empty as Pelosi and her kente cloth performance during the Black Lives Matter protests. And as I said before, I really wish this was not the case. They obviously have the capacity to change. These are people in the highest level of institutional power and if they wanted to protect voting rights, they would. They certainly wouldn't send out a bot farm, which they both have personally approved of, to attack those who are doing it.

Andrea Chalupa:

So, we're not the only ones noticing something's awry here. Daniel Goldman, former lead counsel for the House impeachment inquiry, who served as an assistant US attorney in the Southern District of New York where he prosecuted the Genovese crime family. And this is important: Goldman successfully went after the mob. Trump was described by former FBI Deputy Director Andrew McCabe as a mob boss. So many others in law enforcement that were in Trump's orbit described him as a mob boss. We know the guy was mobbed up with Russian mafia money coming in. There was a gambling den of the Russian mafia in Trump tower, which is essentially a dorm for the Russian mafia. So given that we're dealing with mafia dynamics here, Goldman knows of which he speaks. He successfully prosecuted a mob family. Goldman had this to say on Twitter following Merrick Garland's speech: "If DOJ investigates Trump and his close associates for conspiring to fraudulently overturn the election, I believe we will know not because of leaks from DOJ/FBI but because Trump World will make a lot of noise. And a year is a long time to wait to speak to witnesses, etc."

Andrea Chalupa:

Exactly. A former prosecutor who went after the mob does not see any signs that Merrick Garland is going after Trump and his goon squad. On Twitter, Goldman backed up what CNN legal analyst Elie Honig wrote following Merrick Garland's PR speech, namely in response to the dangerous assumption that Merrick Garland is waiting—for some inexplicable reason—on the January 6th investigation in Congress to throw the hammer at Trump. And if Garland were doing this, it would be an increasingly stupid and dangerous loss of time given that Biden's low approval rating means the Democrats will likely lose the House in 10 months. And that shuts down the House investigation. Here's what CNN's legal analyst, Elie Honig wrote in a response to this nonsense being pushed by some in the savvy set of fantasy football TV

lawyers. Honig writes: “There's no plausible way a real prosecutor would, one, do nothing while waiting a year plus for a referral from a political body. And two, allow that political body to interview and publicly disclose information from key witnesses before even starting a criminal investigation. Meaning either Garland is already on this, or he's never going to be. I'm in the latter camp, given the complete lack of public evidence, no subpoenas, no interviews, no high level cooperators, no searches, no reporting. It's possible it's all top secret, but doubtful. ”

Andrea Chalupa:

Yeah, no public meltdowns. Where are all the meltdowns (when Trump in his goon squad feel cornered)? Roger Stone full-on threatened the life of a judge on Instagram, alright? None of that's happening... Except for against Tish James currently, because she's actually getting things done. And I know Garland, in his speech, referencing Watergate, got a bunch of people excited. As we pointed out on this show, Jill Wine-Banks, a prosecutor of Watergate, has said that the investigation into January 6th should move faster than the Watergate investigation because the crime happened out in the open.

Andrea Chalupa:

So even comparisons of the pace of Garland's investigation to Watergate are wrong. The bad guys are exponentially faster than the good guys. Democrats need to wake up because their lives are going to be a complete hell, including Biden's, if the American people do not see high level indictments in the January 6th attack and months-long attempts to steal the 2020 election. This is what awaits Biden if his attorney general fails to do his job as the American People's lawyer. If Democrats lose the House, Biden will be impeached. How likely is this to happen? Actually, Democrats stand a decent chance currently for holding onto the House, given that redistricting isn't turning out to be all that bad for them—so far—but it all depends on Biden's approval rating. As midterm elections are, as we keep pointing out, a judgment on the president. We had all feared that Republican gerrymandering would bring them into power, but redistricting so far has been a wash, meaning Republicans were forced to shore up their own districts, keeping them bright red, instead of venturing out to gobble up more districts for themselves.

Andrea Chalupa:

Democrats actually didn't do so badly in the process. There are still some pending lawsuits to challenge some really obscene gerrymandered maps by Republicans in Ohio, Georgia, and North Carolina, but with most of their districting done, Democrats—if Biden can get his approval rating up—could actually keep control of the House. But it's President Biden's approval rating that stands in the way of that, and Merrick Garland's approval rating stands in the way of President Biden's approval rating. So, yeah... That's that. We saw all of the Trump crimes out in the open for years. We were terrorized by them. Biden and Garland think they can sweep them under the rug with PR speeches. Without accountability, Biden's approval rating will remain historically low, Democrats will lose the House, and a Republican-led House will move immediately to impeach Biden, and they will do it again and again for two years so that Biden becomes, like Trump, a president who has been impeached twice. They will do this. Congress will be a Kremlin K clown show of show trials, embarrassing America before the eyes of the world and getting nothing done as we're hit with the crises of the pandemic, climate change and historic levels of income and equality and economic instability. So, there you go. President Biden and Merrick Garland, our democracy depends on you.

[outro theme music, roll credits]

Andrea Chalupa:

Our discussion continues and you can get access to that by signing up on our Patreon at the Truth Teller level or higher.

Sarah Kendzior:

We want to encourage you to donate to your local food bank, which is experiencing a spike in demand. We also encourage you to donate to Oil Change International, an advocacy group supported with the generous donation from the Greta Thunberg Foundation that exposes the true costs of fossil fuels and facilitates the ongoing transition to clean energy.

Andrea Chalupa:

We also encourage you to donate to the International Rescue Committee, a humanitarian relief organization helping refugees from Afghanistan. Donate at rescue.org. And if you want to help critically endangered orangutans already under pressure from the palm oil industry, donate to the Orangutan Project at theorangutangproject.org. Gaslit Nation is produced by Sarah Kendzior and Andrea Chalupa. If you like what we do, leave us a review on iTunes. It helps us reach more listeners. And check out our Patreon. It keeps us going. You can also subscribe on YouTube.

Sarah Kendzior:

Our production managers are Nicholas Torres and Karlyn Daigle. Our episodes are edited by Nicholas Torres and our Patreon exclusive content is edited by Karlyn Daigle.

Andrea Chalupa:

Original music in Gaslit Nation is produced by David Whitehead, Martin Vissenberg, Nik Farr, Demien Arriaga, and Karlyn Daigle.

Sarah Kendzior:

Our logo design was donated to us by Hamish Smyth of the New York-based firm, Order. Thank you so much, Hamish.

Andrea Chalupa:

Gaslit Nation would like to thank our supporters at the Producer level on Patreon and higher...