

# TRUMP SHOULD GET NO FBI DIRECTOR PICK

Yesterday, Mike Lee trolled Democrats by suggesting that Merrick Garland, who has a lifetime seat on the DC Circuit, should vacate that and lead the FBI. In a piece explaining how utterly moronic the many Democrats who took his bait are, Dave Weigel explains this is “Why Liberals Lose” – not just because they never press for advantage effectively, but because they so often fall prey when Republicans do.

We live in a golden age of political stupidity, but I’m not being hyperbolic when I say this: The idea of pulling Judge Merrick Garland off the D.C. Circuit federal appeals court and into the FBI is one of the silliest ideas I’ve seen anyone in Washington fall for. It’s like Wile E. Coyote putting down a nest made of dynamite and writing “NOT A TRAP” on a whiteboard next to it. It’s also an incredibly telling chapter in the book that’s been written since the Republican National Convention – the story of how Republicans who are uncomfortable with the Trump presidency gritting their teeth as they use it to lock in control of the courts.

You should definitely read all of Weigel’s piece, which is spot on.

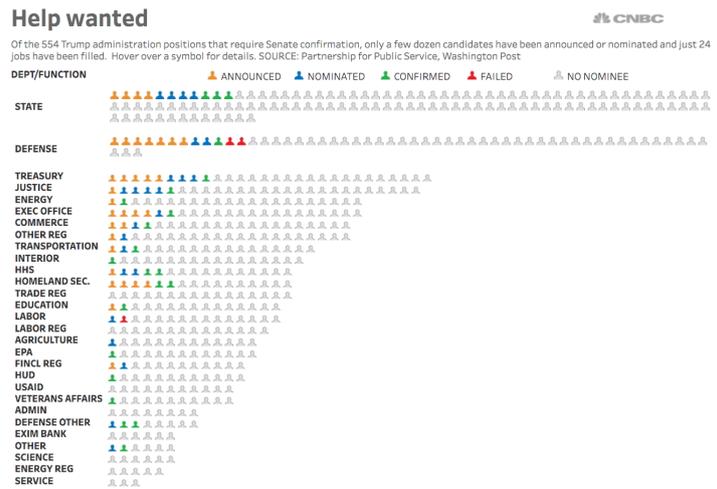
But there are other aspects that the success of Lee’s ploy explain about Why Liberals Lose. First and foremost, it shows how mindlessly Democrats adopt the playing field that Republicans deal them.

I mean, even as Democrats have been pushing for months to use the Russian scandal to impeach Trump, and even at the moment where that actually seems feasible (down the road), most Democrats simply accepted the necessity of replacing Jim Comey and have shifted instead to

fighting the worst names being floated, people like Trey Gowdy (an initial trial balloon) and Alice Fisher and Michael Garcia, who're reportedly being formally considered.

Why are Democrats even accepting that Trump should get to replace Comey?

According to CNBC's count from mid-April, Trump had filled just 24 of the 554 Senate confirmed positions in government.



Sure, Trump has filled a handful more in the interim month, but Trump is otherwise not in a rush to staff the government. Yet he has immediately turned to replacing Comey.

There is nothing more illegitimate than for Trump to be able to give someone a ten year term as FBI Director because he fired Jim Comey.

Trump is no longer hiding the fact that he fired Comey to try to undercut the Russian investigation. And the timeline is clear: the dinner to which Trump called Comey to twice demand his loyalty took place on January 27.

As they ate, the president and Mr. Comey made small talk about the election and the crowd sizes at Mr. Trump's rallies. The president then turned the conversation to whether Mr. Comey would pledge his loyalty to him.

Mr. Comey declined to make that pledge. Instead, Mr. Comey has recounted to

others, he told Mr. Trump that he would always be honest with him, but that he was not “reliable” in the conventional political sense.

[snip]

By Mr. Comey’s account, his answer to Mr. Trump’s initial question apparently did not satisfy the president, the associates said. Later in the dinner, Mr. Trump again said to Mr. Comey that he needed his loyalty.

Mr. Comey again replied that he would give him “honesty” and did not pledge his loyalty, according to the account of the conversation.

That means it took place the same day of Sally Yates’ second conversation with Don McGahn about FBI’s investigation into Mike Flynn (and by association, I always point out, Jared Kushner).

It was always a pipe dream for Democrats to think they could stave off Neil Gorsuch’s confirmation, in part because you really do need a full panel at SCOTUS.

But for the moment, the FBI will continue to run the same way the rest of government is running: with the acting officials who’re filling in until Trump gets around to filling the spot. Moreover, Andrew McCabe, the Acting FBI Director, is a Comey loyalist who will ensure his initiatives will continue for whatever portion of Comey’s remaining 6 years he gets to serve.

This is important not just for the Russian investigation – it’s important to the future of our democracy. Alice Fisher, for example, would be an even more insanely pro-corporate FBI Director than Comey (former Board Member of HSBC, remember) or Mueller.

Democrats should be out there, loudly and in unison, decrying how inappropriate it would be for Trump to get to replace Comey when everyone

watching knows the firing was one of the most corrupt things a President has done in a century.

Instead, they're falling prey to Mike Lee's obvious ploys.