

THE FLYNN CONSPIRACY CALL IS COMING FROM INSIDE THE [WHITE] HOUSE

Maggie and Mike have another of their “scoops” where they repeat what Trump’s lawyers tell them uncritically. In addition to mis-reporting the import of an alleged Mueller comment that he would release a report describing Trump’s obstruction within 2 months of mid-terms, the piece describes some letters Trump’s lawyers sent DOJ in an attempt to exonerate Trump. Among the topics addressed in the letters was whether it was obstruction for Trump to fire Comey because he wouldn’t stop the investigation into Mike Flynn.

The lawyers did not say whether Mr. Trump had asked for an end to the Flynn investigation. But their letters cited statements by the White House that denied Mr. Comey’s account.

The lawyers also argued that Mr. Trump could not have impeded the investigation because there was no inquiry to obstruct. The letter said that the F.B.I. had concluded that Mr. Flynn had not committed a crime when he told agents in January 2017 that he did not discuss sanctions with the Russian ambassador during the transition, an assertion later found to be false.

The lawyers said that law enforcement officials had told the White House that the bureau did not believe Mr. Flynn had lied. “For all intents, purposes and appearances, the F.B.I. had accepted Flynn’s account; concluded that he was confused but truthful; decided not to investigate him further; and let him retain his clearance,” the letters said.

It is not clear what basis his lawyers have for those assertions. Mr. Flynn pleaded guilty in December to lying to investigators and is cooperating with the special counsel inquiry.

The letters also said that Mr. Comey had told Congress in a closed-door briefing in March 2017 that Mr. Flynn had not lied to the F.B.I. in the interview and was merely confused. Mr. Comey said last month on NBC's "Meet the Press" that that assertion was not accurate.

On top of revealing that Trump's lawyers apparently do not deny that Trump asked Comey to back off the Flynn investigation (even if they contest Comey's take more generally), these letters make it clear that a conspiracy the frothy right has adopted lately – that Flynn should never have been investigated – is coming from inside the White House.

That scoop is useful, then, for making it clear where dumb propaganda (and Congressional pushback) is originating.

But Maggie and Mike barely mention how obviously problematic the Trump story is. Trump's lawyers apparently argued to DOJ that the Trump couldn't have obstructed any investigation by firing Comey because, "there was no inquiry to obstruct." They support that claim by stating, "Mr. Comey had told Congress in a closed-door briefing in March 2017 that Mr. Flynn had not lied to the F.B.I. in the interview and was merely confused."

Never mind that this claim ignores that there was already a counterintelligence investigation into Flynn when he was incidentally collected assuring Sergey Kislyak that the Trump Administration would work with Russia on sanctions. That investigation was premised on events that included a meeting with Kislyak in the Ambassador's private residence in 2015, in advance of his trip to the big RT shindig, that

Flynn's spawn considered "very productive."

But per the HPSCI Russia report, it's a misstatement of what Comey actually told Congress in March 2017. That report says,

Director Comey testified to the Committee that "the agents ... discerned no physical indications of deception. They didn't see any change in posture, in tone, in inflection, in eye contact. They saw nothing that indicated to them that he knew he was lying to them."

Indeed, the White House version doesn't even cohere with the story spun by Chuck Grassley in a recent effort to grill an FBI agent involved.

According to that agent's contemporaneous notes, Director Comey specifically told us during that briefing that the FBI agents who interviewed Lt. General Michael Flynn, "saw nothing that led them to believe [he was] lying." Our own Committee staff's notes indicate that Mr. Comey said the "agents saw no change in his demeanor or tone that would say he was being untruthful."

In both versions offered by very partisan Republicans, the FBI agents talked about physical signs of deceit. The HPSCI report goes on to make clear that the same agents also recognized Flynn's statements in the interview were "inconsistent" with the call intercept.

Yet somehow Trump's lawyers decided to claim to DOJ that FBI concluded Flynn was just confused, a claim that apparently conflicts with evidence from at least 5 current or former DOJ employees currently unaffiliated with the Mueller probe, including Sally Yates, from whom the White House first obtained information about the Flynn interview.

There's a lot more that's crazy about Trump's

lawyers' efforts to invent a story inconsistent with all known records. First, relying on a still classified HPSCI report makes it crystal clear (as if it wasn't already) that HPSCI is sharing classified information with the White House. The logic of this claim is that Comey's contemporaneous spoken statements to numerous DOJ officials should be dismissed but his spoken statements to Congress are credible. Leaking this story makes it clear that the White House is behind the worst conspiracies floating among the far right.

But, if the NYT portrayal of the letter is accurate, it also shows that in an attempt to explain away Trump's actions, the White House is inventing facts. Inventing easily checked facts seems like a really curious strategy to proclaim someone's innocence.