

THE NYT “SCOOP” APPEARS TO BE AN EFFORT TO SPIN OPENING AN INVESTIGATION INTO TRUMP AS AN ERRATIC ACT

I'd like to point out something strongly suggested by the stories based on gossiping about Andrew McCabe memos. These stories portray what people not at a meeting that took place just after Comey's firing think happened at the meeting based off hearing about memos memorializing them. From the WaPo's far more responsible version of the story, we know that Lisa Page was also present at the meeting.

Another official at the meeting, then-FBI lawyer Lisa Page, wrote her own memo of the discussion which does not mention any talk of the 25th amendment, according to a second person who was familiar with her account.

And the WaPo's version of the “wire” comment puts it in context, making it clear that Rosenstein was questioning how they could investigate the President.

That person said the wire comment came in response to McCabe's own pushing for the Justice Department to open an investigation into the president. To that, Rosenstein responded with what this person described as a sarcastic comment along the lines of, “What do you want to do, Andy, wire the president?”

Now go back to earlier in the week, to the frothy right rehashing some texts Page and Peter

Strzok sent, talking about opening an investigation into ... someone, while Andrew McCabe was Acting Director. (Apologies for the Fox slurs about Page and Strzok.)

Text messages from disgraced FBI figures Peter Strzok and Lisa Page, discussing whether to open a “case” in a “formal chargeable way” after Director James Comey was fired, are under fresh scrutiny after Page told congressional investigators there was no evidence of Russian collusion at the time, according to three congressional sources.

Two hours after Comey’s termination became public on May 9, 2017, Strzok, a now-former FBI agent, texted Page, his then-colleague and lover: “We need to open the case we’ve been waiting on now while Andy is acting.”

“Andy” is a reference to then-Deputy Director Andrew McCabe who temporarily took over the bureau until Christopher Wray was confirmed as director in August 2017.

Page, a former FBI attorney, replied to Strzok: “We need to lock in (redacted). In a formal chargeable way. Soon.”

Strzok concurred. “I agree. I’ve been pushing and I’ll reemphasize with Bill,” believed to be Bill Priestap, the head of the FBI’s counterintelligence division.

Finally, here’s the WaPo version of Michael Bromwich’s description of the memos.

McCabe’s lawyer, Michael Bromwich, said in a statement that his client “drafted memos to memorialize significant discussions he had with high level officials and preserved them so he would have an accurate, contemporaneous record of those discussions. When he was

interviewed by the special counsel more than a year ago, he gave all of his memos – classified and unclassified – to the special counsel’s office. A set of those memos remained at the FBI at the time of his departure in late January 2018. He has no knowledge of how any member of the media obtained those memos.”

These are “significant memos” and went right to Mueller when he was appointed. The kind of memos that might back investigative decisions, such as whether to open an investigation into the President.

So what the NYT spin of the story is about is suggesting that at the moment when DOJ opened an investigation into the President, the guy who opened it was “acting erratically.” Presumably based off the third-hand opinions of people like Jim Jordan, who knows a bit about acting erratically. It’s also about whether a discussion of removing the President took place at the same meeting where a discussion of investigating him did.

Likely, the messages are muddled, because they always are when getting laundered through Jim Jordan’s feverish little mind.

Update: NYT has now updated their story with two details designed to rebut the more responsible reporting of other outlets. First, they cite their sources claiming – without having to explain – that Rosenstein spoke about recording the President on another occasion, with the suggestion that *that time* it wasn’t sarcastic.

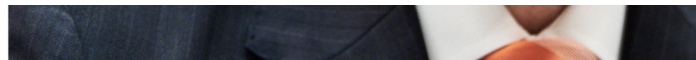
Mr. Rosenstein also mentioned the possibility of wearing a wire on at least one other occasion, the people said, though they did not provide details.

More remarkably, they include a paragraph that reveals their original story was inaccurate as

to timing. To rebut WaPo's report that Lisa Page's version of events don't include the reference to the 25th Amendment, the NYT has now decided there were "at least two meetings that took place on May 16" (but note the knowledge of their sources all appears to come from memos, not from witnessing the events).

At least two meetings took place on May 16 involving both Mr. McCabe and Mr. Rosenstein, the people familiar with the events of the day said. Mr. Rosenstein brought up the 25th Amendment during the first meeting of Justice Department officials, they said. He did not appear to talk about it at the second, according to a memo by one participant, Lisa Page, a lawyer who worked for Mr. McCabe at the time, that did not mention the topic.

Well, okay, maybe that's true. But that utterly demolishes some key premises of the story as originally written. The story collapses the timing of all this, emphasizing that it happened just two weeks into the job.



Two weeks into his job as deputy attorney general, Rod J. Rosenstein was confronted with a crisis: the president's firing of James B. Comey as F.B.I. director. T.J. Kirkpatrick for The New York Times

Mr. Rosenstein was just two weeks into his job. He had begun overseeing the Russia investigation and played a key role in the president's dismissal of Mr. Comey by writing a memo critical of his handling of the Hillary Clinton email investigation. But Mr. Rosenstein was caught off guard when Mr. Trump cited the memo in the firing, and he began telling people that he feared he had been used.

[snip]

The president informed them of his plan to oust Mr. Comey. To the surprise of White House aides who were trying to

talk the president out of it, Mr. Rosenstein embraced the idea, even offering to write the memo about the Clinton email inquiry. He turned it in shortly after.

A day later, Mr. Trump announced the firing, and White House aides released Mr. Rosenstein's memo, labeling it the basis for Mr. Comey's dismissal. Democrats sharply criticized Mr. Rosenstein, accusing him of helping to create a cover story for the president to rationalize the termination. [my emphasis]

All this suggests the response was a direct response to the Comey firing.

And while the story does note the meetings take place a week later, the update emphasizes the actual date.

A determined Mr. Rosenstein began telling associates that he would ultimately be "vindicated" for his role in the matter. **One week after the firing**, Mr. Rosenstein met with Mr. McCabe and at least four other senior Justice Department officials, in part to explain his role in the situation. [my emphasis]

The "wire the president" comment (and the 25th Amendment one, if it did happen as described) took place on May 16, almost a week later.

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In this update, the NYT also took out language about Rosenstein wondering about motive.

wondered whether Mr. Trump had motives

beyond Mr. Comey's treatment of Mrs. Clinton for ousting him, the people said.

By May 16, of course, Rosenstein wouldn't have to wonder about Trump's motives, because he had already gone on TV and explained what his motive was – it was to end the Russia investigation.

More troublingly, he had taken a meeting with Sergei Lavrov and Sergei Kislyak – the latter of whom was a key figure in any conspiracy investigation – without American press present at which he shared highly sensitive Israeli secrets. While the public didn't know it yet, at the meeting Trump also said he fired Comey to ease the pressure on him.

More importantly, if there were two meetings – one on whether Trump was handling the FBI hiring properly, and one on whether to open an investigation into the President – then it means those different topics have a different meaning. One meeting was about whether Trump was capable of doing the job, the other was about whether he had broken the law.

Anyway, what we're not getting is any real understanding of the real context of these comments.