



Bryan White <zebrafactcheck@gmail.com>

seeking PolitiFact correction on Flynn case comments

3 messages

Bryan White <zebrafactcheck@gmail.com>
To: bmcquade@umich.edu

Mon, May 18, 2020 at 9:56 AM

Dear Prof. Barbara McQuade,

I've asked PolitiFact to issue a correction to [its Michael Flynn case explainer](#) published May 8, 2020. That correction request involves a quotation of you that does not appear to check out:

The Justice Department "completely undermines its own mission when it says the investigation was not properly predicated, contrary to the finding of its own inspector general," said Barbara McQuade, former U.S. Attorney for the Eastern District of Michigan.

The statement as quoted does not appear to jibe with either the IG Report on "Crossfire Hurricane" or PolitiFact's earlier reporting in the same story in light of the wording used in the DOJ filing in the Flynn case.

- 1) The DOJ filing said by the time of the January Flynn interview the investigation of Flynn was "no longer justifiably predicated," directly implying that the Flynn investigation was justifiably predicated at some prior point.
- 2) The IG Report did not address the January interview of Flynn, restricting its judgments over the predication of the investigation to the start of that investigation (consistent with the DOJ filing).
- 3) PolitiFact's reporting said "The filing said that a key interview of Flynn did not have 'a legitimate investigative basis.'" This reporting is likewise consistent with the DOJ filing and the IG Report.

As noted above, the quotation of you, as presented by PolitiFact, does not jibe with the rest of its reporting.

I would like to know if you agree the reporting in PolitiFact's story is inconsistent and/or whether there is an explanation from your end that might render the reporting consistent.

It is policy at Zebra Fact Check to publish our emails seeking comment as well as the full reply where there is no stipulation such as "off the record" or the like.

Thanks for your attention to this matter.

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Sincerely,

Bryan W. White
editor
zebrafactcheck.com

Barbara McQuade <bmcquade@umich.edu>
To: Bryan White <zebrafactcheck@gmail.com>

Mon, May 18, 2020 at 10:05 AM

Maybe it requires more explanation:

Once predicated, an investigation does not need to be re-predicated. This investigation was never closed. FBI did not need fresh predication for the interview.

(And even if FBI had needed fresh predication, the calls and lies to Pence would have been sufficient.)

Here is what I wrote for Lawfare

According to the Justice Department inspector general, the Flynn investigation was properly predicated as a full investigation. In his [report on the FBI's conduct in the Russia investigation](#), the inspector general stated, “[T]he quantum of information articulated by the FBI to open these individual investigations [that is, the investigations into Flynn as well as Carter Page, George Papadopoulos and Paul Manafort] was sufficient to satisfy the low threshold established by Department and FBI predication policy, particularly in the context of the FBI's separate and ongoing investigative efforts to address Russian interference in 2016 U.S. elections.”

<https://www.lawfareblog.com/why-flynn-interview-was-predicated>

On May 18, 2020, at 9:56 AM, Bryan White <zebrafactcheck@gmail.com> wrote:

[Quoted text hidden]

Bryan White <zebrafactcheck@gmail.com>
To: Barbara McQuade <bmcquade@umich.edu>

Mon, May 18, 2020 at 10:12 AM

Dear Prof.McQuade,

I appreciate your prompt and on-point response.

Cheers.

[Quoted text hidden]