

JEFF SESSIONS' NARROW RECUSAL

Update: I was on Democracy Now on these issues today. Here's the link.

As you know, after having two meetings with Russian Ambassador Sergey Kislyak that he did not reveal in response to specific questions posed as part of his confirmation process exposed, Attorney General Jeff Sessions recused from any investigation into the elections.

Contrary to much reporting on the recusal, it was nowhere near a complete recusal from matters pertaining to Trump's administration and its' ties to Russia. Here's what Sessions said in his statement:

During the course of the confirmation proceedings on my nomination to be Attorney General, I advised the Senate Judiciary Committee that '[i]f a specific matter arose where I believed my impartiality might reasonably be questioned, I would consult with Department ethics officials regarding the most appropriate way to proceed.

During the course of the last several weeks, I have met with the relevant senior career Department officials to discuss whether I should recuse myself from any matters arising from the campaigns for President of the United States.

Having concluded those meetings today, I have decided to recuse myself from any existing or future investigations of any matters related in any way to the campaigns for President of the United States.

I have taken no actions regarding any such matters, to the extent they exist.

This announcement should not be

interpreted as confirmation of the existence of any investigation or suggestive of the scope of any such investigation.

Consistent with the succession order for the Department of Justice, Acting Deputy Attorney General and U.S. Attorney for the Eastern District of Virginia Dana Boente shall act as and perform the functions of the Attorney General with respect to any matters from which I have recused myself to the extent they exist.

As I emphasized, the only thing he is recusing from is “existing or future investigations of any matters related in any way to the campaigns for President of the United States.”

There are two areas of concern regarding Trump’s ties that would not definitively be included in this recusal: Trump’s long-term ties to mobbed up businessmen with ties to Russia (a matter not known to be under investigation but which could raise concerns about compromise of Trump going forward), and discussions about policy that may involve quid pro quos (such as the unproven allegation, made in the Trump dossier, that Carter Page might take 19% in Rosneft in exchange for ending sanctions against Russia), that didn’t involve a pay-off in terms of the hacking. There are further allegations of Trump involvement in the hacking (a weak one against Paul Manafort and a much stronger one against Michael Cohen, both in the dossier), but that’s in no way the only concern raised about Trump’s ties with Russians.

The concern about the scope of Sessions’ recusal is underscored by the way in which he narrowly addressed his lies to the Senate. Here is his answer to Al Franken, which was a question about campaign surrogates, but did not ask about communications about the campaign.

FRANKEN: CNN has just published a story and I’m telling you this about a news

story that's just been published. I'm not expecting you to know whether or not it's true or not. But CNN just published a story alleging that the intelligence community provided documents to the president-elect last week that included information that quote, "Russian operatives claimed to have compromising personal and financial information about Mr. Trump." These documents also allegedly say quote, "There was a continuing exchange of information during the campaign between Trump's surrogates and intermediaries for the Russian government."

Now, again, I'm telling you this as it's coming out, so you know. But if it's true, it's obviously extremely serious and if there is any evidence that anyone affiliated with the Trump campaign communicated with the Russian government in the course of this campaign, what will you do?

SESSIONS: Senator Franken, I'm not aware of any of those activities. I have been called a surrogate at a time or two in that campaign and I didn't have – did not have communications with the Russians, and I'm unable to comment on it.

His press conference and a (surprisingly good) interview with Tucker Carlson underscores that he is just addressing questions about the election, not conversations with Russians generally (conversations that might address those other two concerns, especially that of influencing policy on things like Ukraine). In the interview, Sessions denied having conversations with Russians "on a continuing basis to advance any kind of campaign agenda" and said "I never had any conversations with the Russians about the campaign."

By Sessions' own admission, the conversation

with Kislyak concerned Ukraine; he said Kislyak was pushing back on what the Ukrainian Ambassador had said just the day before, though Sessions claims he himself pushed back as well.

That's important because they key policy issue on which there have been concerns about undue influence is Ukraine.

It is not illegal to have meetings with an Ambassador, where the Ambassador makes a case for policies his country supports – precisely what appears to have gone on in the meeting Sessions did not disclose. But the (thus far unproven) allegations involving other Trump officials go beyond that, without necessarily pertaining to the election. That's why Sessions' recusal is far too narrow to be meaningful.