LORDY, THERE WERE TAPES

No, not of Stormy Daniels and Trump — though there appear to be tapes of that too! But of Trump's conversations with Jim Comey.

Here's another section of the Democratic report on all the things HPSCI didn't investigate.

> After firing FBI Director James Comey on May 9, 2017, President Trump tweeted on May 12, 2017: "James Comey better hope that there are no "tapes" of our conversations before he starts leaking to the press!" On June 9, 2017, the Committee sent White Counsel Donald McGahn a letter requesting that, "the White House inform the Committee if there exist now, or at any time have existed, any recordings, memoranda, or other documents within the possession of the White House which memorialized conversations between President Donald J. Trump and former FBI Director James Comey." On June 23, 2017, the Committee received a response letter from the Assistant to the President for Legislative Affairs referring the Committee to "President Trump's June 22, 2017, statement regarding this matter" as its official response. The letter quotes in full the President's statement that was made in the form of successive tweets on Twitter, in which the President stated that he has "no idea whether there are 'tapes' or recordings" of his conversations with James Comey and that the President "did not make" and does "not have any such recordings."
>
> On June 29, 2017 the Committee sent the White House a second bipartisan letter urging the White House to appropriately and fully comply with the Committee's June 9 request and clarifying that,

should the White House not respond fully, “the Committee will consider using compulsory process to ensure a satisfactory response.” The Committee made clear that the President’s statement on Twitter, and the White House’s letter referring to the President’s statement, were only partially responsive to the Committee’s request. By only referring to the President’s statement, the White House’s letter did not clarify for the Committee whether the White House has any responsive recordings, memoranda, or other documents.

The White House responded that same day—June 29, 2017—stating: “To clarify, the White House’s previous response to your letter advising you that the White House has no recordings, together with the President’s public statements on the matter, constitute our response to your request.” As the Minority made clear to the Majority at the time, the White House’s two responses are woefully inadequate and sidestep the Committee’s explicit requests by not acknowledging or addressing (1) whether “recordings, memoranda, or other documents” at “any time have existed” within the “possession of the White House which memorialized conversations between President Donald J. Trump and former FBI Director James Comey”; and (2) whether any memoranda or other documents “exist now” in the White House’s possession memorializing the same.

The Minority has a good faith reason to believe that the White House does in fact possess such documentation memorializing President Trump’s conversations with Director Comey.

Subsequent press reporting revealed the existence of a memorandum reportedly

> composed by President Trump and Stephen Miller that referenced President Trump's communications with Director Comey. The Committee should subpoena to the White House to produce all responsive documents.

Effectively the passage notes the following:

- June 9: HPSCI members from both parties sent a request for tapes or memoranda
- June 23: The day after Trump tweeted that he didn't know if there were tapes, the White House responded that the President didn't make tapes
- June 29: Members from both parties sent a letter noting the WH response did not state whether it had any recordings or memoranda
- June 29: The WH responded the same day stating that it has no recordings (and remaining silent about memoranda)

That's when the Republicans got cold feet. Having been given an answer allowing for the possibility that tapes had been made (and destroyed), and a memo was written up about the conversation.

Maybe that's the one McGahn was hiding in his safe, the one John Dowd complained about?

> The debate in Mr. Trump's West Wing has pitted Donald F. McGahn II, the White House counsel, against Ty Cobb, a lawyer brought in to manage the response to the

> investigation. Mr. Cobb has argued for turning over as many of the emails and documents requested by the special counsel as possible in hopes of quickly ending the investigation — or at least its focus on Mr. Trump.
>
> Mr. McGahn supports cooperation, but has expressed worry about setting a precedent that would weaken the White House long after Mr. Trump's tenure is over. He is described as particularly concerned about whether the president will invoke executive or attorney-client privilege to limit how forthcoming Mr. McGahn could be if he himself is interviewed by the special counsel as requested.
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> The friction escalated in recent days after Mr. Cobb was overheard by a reporter for The New York Times discussing the dispute during a lunchtime conversation at a popular Washington steakhouse. Mr. Cobb was heard talking about a White House lawyer he deemed "a McGahn spy" and saying Mr. McGahn had "a couple documents locked in a safe" that he seemed to suggest he wanted access to.

Even more interesting than what this does for the obstruction case against people like McGahn, it suggests Trump continued his habit of taping his meetings from his practice earlier in his career.

That might be as significant for our understanding of the June 9, 2016 meeting as it is for any meetings Trump had with Comey.