

# TRUMP'S LEGAL TEAM: "IF THE LAW AND THE FACTS ARE AGAINST YOU, POUND THE TABLE AND YELL LIKE HELL"

Folks in the White House keep telling Maggie Haberman and Mike Schmidt about imminent changes to his legal team.

## March 10: Emmet Flood

On March 10, it was that the superb Emmet Flood – who among other things, kept Dick Cheney out of the pokey – would join his team. The possibility was based on a meeting (now over 10 days ago) described as “an overture.”

The lawyer, Emmet T. Flood, met with Mr. Trump in the Oval Office this past week to discuss the possibility, according to the people. No final decision has been made, according to two of the people.

Should Mr. Flood come on board, the two people said, his main duties would be a day-to-day role helping the president navigate his dealings with the Justice Department.

Two people close to the president said that the overture to Mr. Flood did not indicate any new concerns about the inquiry. Still, it appears, at the least, to be an acknowledgment that the investigation is unlikely to end anytime soon.

The story admitted that Flood had said no to a similar offer last summer, at such time when Flood might have set the legal strategy and established ground rules for his client.

As recently as the summer, Mr. Flood, who currently works at the law firm Williams & Connolly, turned down an opportunity to represent Mr. Trump. It is not clear what has changed since then.

It also claimed that Flood was the only lawyer the White House had approached.

Mr. Flood had been on the wish list of some of the president's advisers to join his legal team last year, and he is the only person the White House has been in contact with about such a leading role.

It also included the bizarre notion that Ty Cobb's job was meant to end as soon as the White House had turned over all the documents Robert Mueller wanted.

Mr. Cobb has told friends for weeks that he views his position as temporary and does not expect to remain in the job for much longer.

Mr. Cobb's primary task – producing documents for Mr. Mueller and arranging for White House aides to meet with prosecutors – is largely complete.

## **March 19: Joseph Di Genova**

Then, on Monday, Maggie and Mike reported that Joseph Di Genova would join the team. The former US Attorney wouldn't actually be lawyering so much as pounding the table and inventing conspiracy theories (best as I can tell, pounding tables is supposed to be Trump's current lawyer, Jay Sekulow's job, but he seems to have taken to hiding under the bed of late).

Mr. diGenova, a former United States attorney, is not expected to take a lead

role. But he will serve as an outspoken player for the president as Mr. Trump has increased his attacks on the special counsel, Robert S. Mueller III. Mr. Trump broke over the weekend from the longstanding advice of some of his lawyers that he refrain from directly criticizing Mr. Mueller, a sign of his growing unease with the investigation.

It's just as well that Di Genova wouldn't be doing any lawyering given that in 1997, he argued that sitting presidents could be indicted, a view that would make it easier for Mueller to charge his supposed client.

Somehow, this story didn't explain a big puzzle about the hiring: how Di Genova could represent the president when his wife, Victoria Toensing, has represented three other people in the investigation, at least one of whom gave apparently damning testimony to Mueller's investigators.

Mr. diGenova is law partners with his wife, Victoria Toensing. Ms. Toensing has also represented Sam Clovis, the former Trump campaign co-chairman, and Erik Prince, the founder of the security contractor Blackwater and an informal adviser to Mr. Trump. Mr. Prince attended a meeting in January 2017 with a Russian investor in the Seychelles that the special counsel is investigating.

Ms. Toensing also represents Mark Corallo, the former spokesman for the Trump legal team who has accused one of the president's advisers of potentially planning to obstruct justice with a statement related to a 2016 meeting between Donald Trump Jr. and a Russian lawyer who supposedly had damaging information on Hillary Clinton.

While it's certainly possible Di Genova could clear up the conflict with Clovis and Prince, Corallo reportedly testified that Hope Hicks, having met one-on-one with Trump, suggested that emails regarding the June 9, 2016 meeting could be buried.

## **March 20: Ted Olson**

Then, today, multiple outlets claimed that Ted Olson was under consideration. That'd be weird, given that Trump wants to claim that Robert Mueller has conflicts on account of his association with Jim Comey, yet Olson was as integrally involved in the most famous Comey-Mueller event – the hospital hero challenge to Stellar Wind in 2004 – as Mueller was. Plus, Olson's name is on the Supreme Court precedent that deemed even the more expansive special prosecutor statute constitutional.

Which is to say that Olson may be the best active Republican lawyer with the possible exception of his former deputy, Paul Clement (hey, why isn't Clement being floated?), but it's not clear he would help Trump much, even if he could get Trump to follow instructions.

Yet the pushback from Olson's firm suggests he was never really considering this offer (which raises questions about whether Flood, who like Olson also considered and rejected the position last year, is taking this offer any more seriously). It seems Trump wants to create the appearance, at least, that serious lawyers will still consider representing him.

## **Trump's existing lawyers prepare to bolt**

As it turns out, Trump didn't tell his existing lawyers about a number of these conversations. And even aside from the shit shingle they're facing, particularly as it becomes clear to Trump they were lying to him all last year about how long this inquiry would be and how serious

Trump's jeopardy is, they're all getting tired babysitting the president.

The hiring of diGenova on Monday, first reported by the New York Times, infuriated Dowd, who responded angrily to the development, according to people familiar with his reaction, who spoke on the condition of anonymity to share internal details. Dowd views diGenova as pushing him to be the second chair rather than top dog on Trump's legal team, these people said. But Dowd said in an email to a Post reporter that he's perfectly happy with the new addition: "Love Joe."

Dowd, however, has lost the confidence of many in the president's orbit, both inside and outside the White House. In December, after Trump tweeted that he had fired his former national security adviser Michael Flynn because Flynn had lied to both the vice president and the FBI, Dowd later claimed that he was the one who had drafted the missive.

One outside adviser described Dowd as "the weakest link" in the team.

McGahn and Cobb have also had their share of tension. While Cobb has urged the president to cooperate with Mueller and hand over documents to his investigators, McGahn has pushed a more aggressive approach, according to people familiar with his work.

McGahn has said the legal team should make the special counsel subpoena every document, explain every interview and fight for every piece of information, one person said. A second White House aide said McGahn has questioned the constitutional status of the special counsel position.

But McGahn and Trump have also clashed repeatedly since entering the White

House, and one former administration official said the president mused at least three times that perhaps he should hire a new counsel.

McGahn has told associates that he is exhausted and frustrated at times in the job, but that he has been able to make a historic impact on appointing judges and reducing regulations and that he would like to be around for a second Supreme Court opening, one friend said. McGahn also has a strong relationship with Kelly.

So Trump's lawyers (with the possible exception of Don McGahn, who'll stay so long as he can pack the courts with unqualified ideologues) want out, and none of the real lawyers he's approaching want to have anything to do with him.

When Rick Gates ran his defense team like this, he had a way out: to flip on Paul Manafort and Trump himself.

But who will Trump flip on? Vladimir Putin?

This is the most remarkable thing to behold. The most powerful man in the world is having difficulties getting anyone but a washed out table-pounder to represent him in the most high profile investigation in recent years.