

THE FIRE ROSENSTEIN SQUAD AMONG TRUMP'S BUDDIES

WSJ has a fascinating story about the advice that former prosecutor and Trump lawyer Jay Goldberg gave the president last week after the Michael Cohen raid. Rather than keeping the advice confidential or even anonymous, Goldberg instead sat down for two hours to tell the WSJ precisely what he told the president in a 15 minute conversation last week.

The newsy bit is that Goldberg told Trump that Cohen would flip on him if he were charged, and might even agree to wear a wire.

One of President Donald Trump's longtime legal advisers said he warned the president in a phone call Friday that Michael Cohen, Mr. Trump's personal lawyer and close friend, would turn against the president and cooperate with federal prosecutors if faced with criminal charges.

Mr. Trump made the call seeking advice [sic] from Jay Goldberg, who represented Mr. Trump in the 1990s and early 2000s. Mr. Goldberg said he cautioned the president not to trust Mr. Cohen. On a scale of 100 to 1, where 100 is fully protecting the president, Mr. Cohen "isn't even a 1," he said he told Mr. Trump.

[snip]

[H]e stressed to the [sic] president that Mr. Cohen could even agree to wear a wire and try to record conversations with Mr. Trump. "You have to be alert," Mr. Goldberg said he told the president. "I don't care what Michael says."

The more troubling revelation is that Goldberg

told Trump straight out he should fire Rod Rosenstein.

Prompted by the president for his advice, he also said he recommended Mr. Trump fire Rod Rosenstein, the deputy attorney general who appointed Mr. Mueller.

But here's the other detail of interest. Goldberg told the WSJ that the Cohen raid puts him at more risk than the Mueller investigation.

Goldberg said the volume of correspondence taken and the potential pressure the government can bring to bear on Mr. Cohen to testify puts the president in more potential peril from the Cohen matter than from Special Counsel Robert Mueller's investigation. Mr. Mueller is examining whether members of Mr. Trump's campaign team colluded with Russians to affect the 2016 election. Russia officials have denied meddling in the election, and Mr. Trump has denied any collusion took place.

And he said that even while asserting that he doesn't believe Trump broke the law (in context, I presume this means with Russia, though I'm not certain).

Goldberg recalled the conversation in a two-hour interview in his apartment on New York's Upper East Side Wednesday, emphasizing that he didn't believe Mr. Trump had broken the law.

Here's why I find this so fascinating.

First, clearly Goldberg wants this out, even the details (like that he thinks Cohen might wear a wire) designed to make Trump go nuts. This, then, is presumably another example of a Trump associate trying to speak to him through the press (though why Goldberg chose WSJ instead of

Fox, I don't know – maybe this is an attempt to get booked on Fox, where Trump will see it). Perhaps, too, Goldberg is trying to put pressure on Trump's legal team, especially Ty Cobb, to let the president fire Rosenstein.

That said, the story will make the legal risk of firing Rosenstein still greater, because it will make the context of all this clear: that firing Rosenstein would be an attempt to prevent Cohen from being charged, which would have the effect of exposing Trump to legal risk. (That analysis seems problematic in any case, because – at least according to my understanding of things – while Rosenstein has to approve any charges Mueller makes, that may not be true of any charges Robert Khuzami would make as acting US Attorney for SDNY, though it's possible DOJ would demand further approvals because of the political significance of this.)

But the entire premise, if Goldberg is to be believed (and if I'm understanding the context of his comment about Trump not having broken the law), is that Trump is not at legal risk from Mueller but he is at risk for ... everything else that Cohen might implicate him in.

Of course, that sentiment was reported last Friday by NYT, in the lead of this story, attributed to "Trump's advisers" and "people close to Trump" (both descriptions could clearly include Goldberg).

President Trump's advisers have concluded that a wide-ranging corruption investigation into his personal lawyer poses a greater and more imminent threat to the president than even the Special Counsel's investigation, according to several people close to Mr. Trump.

In other words, it's highly likely that we're seeing Goldberg say on the record to the WSJ what he said anonymously to the NYT last week. But in the process, we're seeing why: Goldberg doesn't think Trump broke the law in anything he

did with regards to Russia. How much does Goldberg really know what Trump did, I wonder? Either he knows all the details, in which case his judgment may be valid, or he has no clue, in which case we shouldn't necessarily take the opinion as all that reasonable.

Side note: if I'm Mueller, I've already drafted the subpoena for Goldberg, who presumably won't be able to claim the substance of this conversation with Trump, which he shared with WSJ, is privileged.

All of which leads me to the most shocking part of Friday's story: that Trump called Cohen that day to "check in."

Trump called Mr. Cohen on Friday to "check in," according to two people briefed on the call. Depending on what else was discussed, the call could be problematic, as lawyers typically advise their clients against discussing investigations.

WSJ seems to suggest that, in addition to speaking with Trump, Goldberg also spoke to Cohen, which may be where he got the detailed description of the raid he shared with WSJ.

Mr. Cohen was "shocked," according to Mr. Goldberg, who also spoke with Mr. Trump's lawyer, Ty Cobb, in recent days.

So what this looks like by reading the two stories together is that, probably before he spoke to Trump on Friday, Goldberg spoke to Cohen. Maybe that's part of where he derived his opinion that Cohen would flip on Trump. And then Goldberg called Trump to tell him Cohen wouldn't remain loyal.

Was that before or after Trump called Cohen to "check in"?

Goldberg may be trying to help Trump by pushing him to fire Rosenstein. But I can think of about five ways that this story really fucks Trump,

and that's assuming that Mueller doesn't give Goldberg a call to invite him in for a chat.