

THE PRESIDENT'S LAWYER HAD BETTER REVIEW HIS CONSPIRACY THEORY

As I laid out last week, I provided information to the FBI on issues related to the Mueller investigation, so I'm going to include disclosure statements on Mueller investigation posts from here on out. I will include the disclosure whether or not the stuff I shared with the FBI pertains to the subject of the post.

There's one more part of Rudy Giuliani's hat trick yesterday that deserves closer attention. On both NBC and ABC and NBC, Rudy addressed the June 9 Trump Tower meeting. On NBC, Chuck Todd emphasized how often the story has changed about the meeting – both Trump's own story, and the three versions of the story put out exactly a year ago. As such, Todd doesn't talk about what crime the meeting might pertain to.

CHUCK TODD:

–Mr. Mayor, in the public record– and you and I have actually had a discussion about one of these, in the public record, we have the president admitting that he misled the New York Times on the Donald Trump Jr. statement when it came to his role in the infamous Trump Tower meeting of June of 2016. You said there's nothing – this is a public record of the president contradicting, and I know it is not a crime for the president to lie to us in the media. However, how is that not itself probable cause for Mr. Mueller to want to question the president?

RUDY GIULIANI:

Well, because the fact is that also in

the public record is the conclusion of that meeting. And that is that nothing was done about it. That the person came in under the guise of having information about, about Clinton but also to talk about adoptions. All she did was talk about adoptions –

CHUCK TODD:

Wait a minute.

RUDY GIULIANI:

– and sanctions.

CHUCK TODD:

First of all, we don't know that. That has not been fully–

RUDY GIULIANI:

Well, we do know that because–

CHUCK TODD:

–established. The story changed three times, Mr. Mayor. So if the story changed, how are we–

RUDY GIULIANI:

No, no, no, no.

CHUCK TODD:

–so sure? Look, your own legal partner here in the president's team, Jay Sekulow, misled me. Now, you had said he didn't intentionally do that. I take your word.

RUDY GIULIANI:

He didn't.

CHUCK TODD:

I take your word at that. But somebody misled him then. Your client may have misled him.

RUDY GIULIANI:

They already have all these facts. They can do with them what they want. They don't need – I, I can tell them that the president's testimony will be exactly the same as he said about this.

CHUCK TODD:

Which part? What he said in the public record or when he– we don't know what he said–

RUDY GIULIANI:

What he has said–

CHUCK TODD:

–privately.

In the very last line of the exchange, however, Rudy gives away the game. He says “there was no discussion with [Trump] about this and there were no” and right here, he corrects himself and says, instead of whatever he almost said, “that nothing happened from it.”

RUDY GIULIANI:

He has had an opportunity to think about it, to refresh his recollection. He's given a statement about it. And it's clear that there was no discussion with him about this and there were no – that nothing happened from it.

That is, Rudy isn't talking about what Todd might be – obstruction. Rather, he's talking about whether anything came of the meeting, at which dirt was promised and sanctions relief was requested.

Rudy reveals even more to Stephanopoulos over on ABC. In addition to claiming that he, Rudy, doesn't believe Trump knew about the meeting, he twice says the meeting amounts to different recollections (and attributes those recollections to the campaign that four of the participants weren't contesting).

STEPHANOPOULOS: There was another question that came up in my interview with Michael Cohen and it had to do with the Trump Tower meeting, that famous (inaudible) Trump Tower meeting, Don Jr., Jared Kushner, Paul Manafort all met with these Russians who had indicated they had some dirt on Hillary Clinton.

When I asked Michael Cohen did the president know about that meeting ahead of time, again he refused to answer in advice of counsel. What is the answer to that question?

GIULIANI: Don't believe he did know about it, don't believe he knew about it afterwards, *I think that you could have very, very different recollections on that* because it was right – right in the heat of the campaign.

And I – I was probably there that day. I don't – I don't remember it. Did somebody say something to me? I don't know, it goes off in your – you know what a campaign is like, it's complete helter skelter.

Again, it doesn't mean anything because it resulted in nothing. That went nowhere, she tried to get back in, she didn't, they never did anything with it (ph).

STEPHANOPOULOS: Well what it could mean is that – that the president, as Tina (ph) said, he didn't know about in advance. If it turns out that he did, then at least he hadn't been telling the truth –

(CROSS TALK)

GIULIANI: Well I think – I think – *I think you end up there with at most differing recollection*. Since nothing happened with it, there'd be no reason

to hide it. I mean he could have said yes, they did tell me about it, and what happened? Nothing.

Given the context, it's pretty clear what recollections Rudy might have in mind: whether Don Jr said his father would revisit sanctions if he won the election. But on that front, among the six people who submitted testimony to SJC on the topic (Jared would have left before this), there's not actually much disagreement.

Natalia Veselnitskaya said Don Jr said they'd revisit the topic.

Mr. Trump, Jr. politely wound up the meeting with meaningless phrases about somewhat as follows: can do nothing about it, "if" or "when" we come to power, we may return to this strange and confusing story.

Ike Kaveladze said that Don Jr said they might revisit the issue if his father won.

There was no request, but as I said, it was a suggestion that if Trump campaign ins, they might get back to the Magnitsky Act topic in the future.

Rinat Akhmetshin said that Don Jr said they would revisit Magnitsky when they won.

A. I don't remember exact words which were said, but I remember at the end, Donald, Jr., said, you know, "Come back see us again when we win." Not "if we win," but "when we win." And I kind of thought to myself like, "Yeah, right." But it happened, so – but that's something, see, he's very kind of positive about, "When we win, come back and see us again." Something to that effect, I guess.

Anatoli Samochornov, Veselnitskaya's translator,

who is the most independent witness and the only one who didn't compare his story with others, said that Don Jr said they would revisit the issue if Trump won.

A. Like I described, I remember, not verbatim, the closing that Mr. Donald Trump, Jr., provided, but that's all that I recall being said from the other side.

MR. PRIVOR: That closing being that Donald Trump, Jr., suggested –

MR. SAMOCHORNOV: If or when yes, and I do not remember if or when, but if or when my father becomes President, we will revisit this issue.

Just two people remember it differently. In an answer that, in some respects, exactly tracks statements that were massaged elsewhere by Trump's lawyers, Rob Goldstone said Don Jr told Veselnitskaya to raise it with Obama.

And he stopped this in its tracks and said, with respect, I suggest that you address your – what seemed very valid concerns but to the Obama administration because they actually are in power. My father is a private citizen and, as such, it has no validity, of what you're saying. Thank you very much for coming. I appreciate all your time. You know, we have a very busy schedule, and thank you.

And Don Jr himself remembers he ended the meeting by saying his father, a private citizen, couldn't do anything about this.

I proceeded to quickly and politely end the meeting by telling Ms. Veselnitskaya that because my father was a private citizen there did not seem to be any point for having this discussion.

Which is to say everyone whose statement wasn't massaged by Don Jr's lawyer says he did suggest Trump would revisit the issue after the election, which is surely why half of the people at the meeting worked on setting up such a meeting.

Now, Rudy suggests that's all good because nothing actually came of it. There are several problems with that. 52 U.S.C. §§ 30121 makes it a crime to *solicit* or offer support from a foreign national, which is one of the crimes that NSD has already said might be charged in this case. Arguably, that's what the meeting did. All the more so if the emails that got dumped a 6 days later were tied to Don Jr's agreement to revisit sanctions.

But Rudy doesn't consider whether Mueller could charge a conspiracy to do same. There, it doesn't so much matter whether the conspiracy was successful (and there's abundant evidence showing both sides continued to try to deliver on this detail). It matters whether two or more people made an agreement to conspire to violate US regulatory functions.

- (1) two or more persons formed an agreement to defraud the United States;
- (2) [each] defendant knowingly participated in the conspiracy with the intent to defraud the United States; and
- (3) at least one overt act was committed in furtherance of the common scheme.

Rudy has already admitted to the substance of a ConFraudUs case.