

MUELLER READY TO GET TRUMP ON THE RECORD ON HIS INVOLVEMENT IN THE RUSSIAN CONSPIRACY

EUREKA!!!

The NYT finally has a story that admits Trump is at risk under conspiracy charges!

It reports that Mueller told Trump's lawyers last Friday that he'd be willing to start with written answers about his involvement in the election conspiracy, while bracketing obstruction questions as privileged.

The special counsel, Robert S. Mueller III, will accept written answers from President Trump on questions about whether his campaign conspired with Russia's election interference, Mr. Mueller's office told Mr. Trump's lawyers in a letter, two people briefed on it said on Tuesday.

But on another significant aspect of the investigation – whether the president tried to obstruct the inquiry itself – Mr. Mueller and his investigators understood that issues of executive privilege could complicate their pursuit of a presidential interview and did not ask for written responses on that matter, according to the letter, which was sent on Friday.

Mr. Mueller did not say that he was giving up on an interview altogether, including on questions of obstruction of justice. But the tone of the letter and the fact that the special counsel did not ask for written responses on obstruction prompted some Trump allies

to conclude that if an interview takes place, its scope will be more limited than Mr. Trump's legal team initially believed, the people said.

For the moment, I'm not going to say what I think this means (I've got some ideas, but will hold those for now).

Instead, consider what questions will be included in Trump's take-home test, from the list the NYT first published (though it has presumably grown since March when Jay Sekulow wrote it up). I'm going to group them, here, under things we know Mueller has been up to in recent months.

November 30, 2017: Mike Flynn pleads guilty as part of a cooperation deal

Last year, Mike Flynn pled guilty as part of a cooperation deal; he has a status hearing – scheduled on a 24 day interval – on September 17. Flynn has spent the last nine months answering these questions:

- What discussions did you have during the campaign regarding Russian sanctions?
- During the campaign, what did you know about Russian hacking, use of social media or other acts aimed at the campaign?
- What did you know during the transition about an attempt to establish back-channel communication to Russia, and Jared Kushner's efforts?

- What do you know about a 2017 meeting in Seychelles involving Erik Prince?
- What do you know about a Ukrainian peace proposal provided to Mr. Cohen in 2017?

February 23: Rick Gates pleads guilty as part of a cooperation deal

On February 23, Rick Gates pled guilty as part of a big cooperation agreement. Two weeks later, Mueller obtained search warrants for 5 AT&T phones (and probably an equivalent number of Verizon phones), at least one of which is Paul Manafort's and one of which may be Roger Stone's. Gates can surely help answer the following questions:

- What discussions did you have during the campaign regarding any meeting with Mr. Putin? Did you discuss it with others?
- What discussions did you have during the campaign regarding Russian sanctions?
- What involvement did you have concerning platform changes regarding arming Ukraine?
- During the campaign, what did you know about Russian hacking, use of social media or other acts aimed at the campaign?

- What knowledge did you have of any outreach by your campaign, including by Paul Manafort, to Russia about potential assistance to the campaign?

April: Jared testifies for seven hours

Sometime in April, Jared testified for seven hours. Jared is likely to be able to provide some answers about the following questions:

- What did you know during the transition about an attempt to establish back-channel communication to Russia, and Jared Kushner's efforts?
- What do you know about a 2017 meeting in Seychelles involving Erik Prince?
- When did you become aware of the Trump Tower meeting?
- What involvement did you have in the communication strategy, including the release of Donald Trump Jr.'s emails?
- During the campaign, what did you know about Russian hacking, use of social media or other acts aimed at the campaign?

May 22: Sam Patten

makes his first proffer for a cooperation deal

On August 31, Sam Patten pled guilty to FARA violations in the context of a cooperation agreement for which he made his first proffer back on May 22. Patten may know some of the answers to these questions:

- What do you know about a Ukrainian peace proposal provided to Mr. Cohen in 2017?
- What discussions did you have during the campaign regarding Russian sanctions?
- What involvement did you have concerning platform changes regarding arming Ukraine?

August 17: Paul Manafort seeks a plea deal

During jury watch in his first trial, Manafort and Mueller's lawyers had aborted discussions about a plea deal, at least to resolve his second trial. Manafort's lawyers are only belatedly preparing for the second trial, jury selection for which begins on September 17.

Manafort would be able to answer the following questions:

- During the campaign, what did you know about Russian hacking, use of social media or other acts aimed at the campaign?

- What discussions did you have during the campaign regarding any meeting with Mr. Putin? Did you discuss it with others?
- What discussions did you have during the campaign regarding Russian sanctions?
- What involvement did you have concerning platform changes regarding arming Ukraine?
- During the campaign, what did you know about Russian hacking, use of social media or other acts aimed at the campaign?
- What knowledge did you have of any outreach by your campaign, including by Paul Manafort, to Russia about potential assistance to the campaign?

August 21: “They’re squeezing Don Jr. right now”

On August 21, Vanity Fair reported that Mueller has been making document follow-up requests pertaining to Jr.

Another theory for what’s motivating Trump’s increasingly unhinged tweets is that Mueller may be closing in on his son Don Jr. “A lot of what Trump is doing is based on the fact [that] Mueller is going after Don Jr.,” a person close to the Trump family told

me. "They're squeezing Don Jr. right now."

Don Jr.'s lawyer said, "I'm not going to comment." Another person briefed on the investigation disputed the term "squeeze," but said the Mueller team continues to ask for documents.

These questions would directly pertain to Don Jr and the documents he has been turning over:

- During a 2013 trip to Russia, what communication and relationships did you have with the Agalarovs and Russian government officials?
- When did you become aware of the Trump Tower meeting?
- What involvement did you have in the communication strategy, including the release of Donald Trump Jr.'s emails?
- What discussions did you have during the campaign regarding any meeting with Mr. Putin? Did you discuss it with others?
- What discussions did you have during the campaign regarding Russian sanctions?
- During the campaign, what did you know about Russian hacking, use of social media or other acts aimed at the campaign?

August 21: Michael Cohen pleads guilty to eight charges while begging to cooperate

On August 21, Michael Cohen pled guilty to eight charges; both before and after he has desperately shopped a plea deal (though he has gone quiet in recent days). Cohen's cooperation might help answer these questions:

- During a 2013 trip to Russia, what communication and relationships did you have with the Agalarovs and Russian government officials?
- What communication did you have with Michael D. Cohen, Felix Sater and others, including foreign nationals, about Russian real estate developments during the campaign?
- What do you know about a Ukrainian peace proposal provided to Mr. Cohen in 2017?

September 7: The second-to-last known witness against Roger Stone testifies before the grand jury

On Friday, Randy Credico will bring his dog to visit the grand jury and describe how Roger

Stone tried to convince him to claim he was Stone's back channel to Assange (he has already interviewed with Mueller's team, so they know what he's going to say). Mueller has been questioning witnesses about Stone since February, and just one – Andrew Miller – remains to testify (assuming the sealed order Beryl Howell signed on August 13) didn't immunize him for part of his testimony).

That long line of witnesses likely provided information relevant to these questions:

- During the campaign, what did you know about Russian hacking, use of social media or other acts aimed at the campaign?
- What did you know about communication between Roger Stone, his associates, Julian Assange or WikiLeaks?

In short, while the NYT has been reporting incessantly about the obstruction charges against Trump, Mueller has accumulated a good deal of evidence to answer the questions about the Russian conspiracy that Trump's lawyers have in the past said they'd be willing to answer.

I'd say Mueller's ready to get Trump's answers – which will not be truthful – on the record. You don't need obstruction charges involving Jim Comey when you're guaranteed the President will lie on the record about conspiracy.

Update: In their version of this story, WaPo notes they'll return to obstruction discussions later.

On potential obstruction-of-justice issues, "he said he'd assess it down the road," said one person familiar with Mueller's letter who requested anonymity to discuss private communications. "They're essentially saying, 'We'll deal

with this at a later date.'"

That makes sense. There's bound to be more obstruction to discuss later down the road, whether it's lies in response to these questions or attempted pardons.

Update: One other thing this does. This letter, inviting Trump to answer questions in writing, came a day after the first detailed story on Rudy's counter-report came out. Rudy's blabbing about how they're going to release a report that purportedly addresses all of Mueller's concerns will make it hard (but never impossible) to refuse to comply. And it will also give Rudy a hobby that will distract from inventing conspiracy theories about Mueller conflict.

As I disclosed in July, 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.