

COHEN'S COOPERATION SEEMS TO FOCUS ON OBSTRUCTION

Both sentencing memoranda for Michael Cohen are out: SDNY's memo is fairly damning (for both Cohen and Trump), whereas Mueller's is more moderate. Here's the Manafort breach filing; the government also submitted a sealed version.

I'm going to focus on the Mueller Cohen one here. It describes the substance of his cooperation in four paragraphs. The first two relate to outreach from Russia.

The defendant's assistance has been useful in four significant respects. First, the defendant provided information about his own contacts with Russian interests during the campaign and discussions with others in the course of making those contacts. For example, and as described above, the defendant provided a detailed account of his involvement and the involvement of others in the Moscow Project, and also corrected the record concerning his outreach to the Russian government during the week of the United Nations General Assembly. The defendant also provided information about attempts by other Russian nationals to reach the campaign. For example, in or around November 2015, Cohen received the contact information for, and spoke with, a Russian national who claimed to be a "trusted person" in the Russian Federation who could offer the campaign "political synergy" and "synergy on a government level." The defendant recalled that this person repeatedly proposed a meeting between Individual 1 and the President of Russia. The person told Cohen that such a meeting could have a "phenomenal" impact "not only in

political but in a business dimension as well,” referring to the Moscow Project, because there is “no bigger warranty in any project than consent of [the President of Russia].” Cohen, however, did not follow up on this invitation.³

Second, Cohen provided the SCO with useful information concerning certain discrete Russia-related matters core to its investigation that he obtained by virtue of his regular contact with Company executives during the campaign.

Those are pretty vague, but this footnote makes it clear that even before Russians started dialing up the candidate’s fixer, Trump had okayed Cohen’s efforts to reach out.

The defendant, without prompting by the SCO, also corrected other false and misleading statements that he had made concerning his outreach to and contacts with Russian officials during the course of the campaign. For example, in a radio interview in September 2015, the defendant suggested that Individual 1 meet with the President of Russia in New York City during his visit for the United Nations General Assembly. When asked previously about these events, the defendant claimed his public comments had been spontaneous and had not been discussed within the campaign or the Company. During his proffer sessions, the defendant admitted that this account was false and that he had in fact conferred with Individual 1 about contacting the Russian government before reaching out to gauge Russia’s interest in such a meeting. The meeting ultimately did not take place.

That, plus the early focus on Trump Tower deals, makes it clear where Trump’s focus at that point was: real estate.

The very short third and fourth paragraphs are even more oblique.

Third, Cohen provided relevant and useful information concerning his contacts with persons connected to the White House during the 2017–2018 time period.

Fourth, Cohen described the circumstances of preparing and circulating his response to the congressional inquiries, while continuing to accept responsibility for the false statements contained within it.

These seem to point to obstruction more than the conspiracy with Russia (contrary to what I've seen elsewhere). Indeed, the language in the fourth paragraph talking about how Cohen "described the circumstances of preparing and circulating his response to the congressional inquiries, while continuing to accept responsibility for the false statements contained within it" seems to address a point I raised in this post: he could not have crafted that lie alone; it had to have been coordinated with Trump Org and Felix Sater, at a minimum. So while he admits that he's responsible for his own lies, he appears to have explained how everyone made sure they were on the same page with those lies.

And the reference to his communications with the White House in 2018 probably pertains, in significant part, to pardons.

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.