

BUMPED! RUDY'S INEFFECTIVE ASSISTANCE OF COUNSEL STRATEGY

I got an invitation to be on my first Sunday show this week. But – as usually happens when you're talking to big media bookers – I got bumped. I got bumped to make way for this Rudy Giuliani appearance, which sets a new standard among his many media appearances for giving Trump cause to claim his lawyer screwed him over.

The interview starts with Trump's blabbermouth lawyer assailing someone else for bad lawyering.

RUDY GIULIANI, PRESIDENT TRUMP'S LAWYER:
Pathetic. The man is pathetic. That's a lawyer you were interviewing and he says he – oh, he directed me to do it and, oh my goodness, he directed me. He's a lawyer. He's the guy you depend on to determine whether or not you should do it this way or that way, whether you're Donald Trump or you are me or you, I have...

From there, Rudy pisses away one of the few benefits he offers Trump, his past service as US Attorney in the famously cliquish Southern District of NY. Rather than soft-pedaling any critique of SDNY, Rudy repeatedly pisses all over the office currently targeting his client, his client's spawn, and his client's eponymous corporation in at least one serious criminal investigation.

STEPHANPOULOS: But you just said you ran that office. You know how the Southern District is run. You know exactly how the Southern District is run.

GIULIANI: No, I don't know – actually, I don't know how the Southern District –

(CROSSTALK)

STEPHANOPOULOS: They wouldn't have put that in the statement of fact if they didn't believe –

GIULIANI: I'm disgusted with the Southern District.

[snip]

STEPHANOPOULOS: Here's the question I have for you. Why do you have so much trouble with the southern district? The southern district's being run – this case being run by Robert Khuzami, a Republican appointed by the Trump administration, spoke at the Republican ...

GIULIANI: His interpretation of the campaign finance law is completely erroneous. And to be – even if – and even if you want to make some argument that there's some validity to it, you do not pursue a president of the United States for a questionable interpretation of the statute. That is completely wrong, it's harassment.

After failing to respond to George Stephanopoulos' descriptions of what distinguishes Trump's hush payment case from that of John Edwards, Rudy fails to offer one piece of evidence that might back his arguments – that Trump had paid similar hush payments in the past, when winning the Presidential election wasn't at stake.

STEPHANOPOULOS: Did he ever make any payments like that in the past?

GIULIANI: Nobody else asked for – in the past, I can't speak to. I wasn't his lawyer in the past.

Rudy then tries to claim that Jerome Corsi (who, Stephanopoulos points out, claimed 9/11 was an inside job) and Mike Flynn were not lying, misstating that Peter Strzok had said something exonerating about Flynn in a text versus an FBI interview.

Peter Strzok wrote in one of his texts that he didn't seem to be – he didn't seem to be lying, wasn't acting like a person ...

This is where things start to go really haywire. Stephanopoulos asks Rudy about the reference to Michael Cohen's ongoing contacts with the White House through 2018 – which, given the way multiple entities happened to tell the same false story about the Trump Tower deal, likely means a conspiracy to obstruct justice – and in response Rudy says "It was over by the time of the election."

STEPHANOPOULOS: Now, the special counsel went on to say that they found Cohen credible, provided valuable information about Russia-related matters for its investigation, also that his contacts with persons connected to the White House in 2017 and 2018, they seem to be getting at, there, both collusion and obstruction.

GIULIANI: Isn't that prosecution by innuendo? I have no idea what they're talking about. Beyond what you just said, I have no idea what they're talking about ...

STEPHANOPOULOS: Well, let me ask you a few specifics.

GIULIANI: I have no – I have no idea – I know that collusion is not a crime. **It was over with by the time of the election.** I don't know what evidence ... [my emphasis]

Admittedly, by this point in the interview, Rudy was blathering. But I'm particularly interested – given that Trump reportedly refused to answer any Mueller questions about the transition – that Rudy thinks in terms of the collusion he's seemingly admitting his client engaged in ended "by the time of the election." Trump's legal team may be adopting a defensive strategy premised on the claim that certain activities (reaching out to Russians to tell them you'll give them sanctions relief is just the most obvious) can be divorced from any context that implicates election season "collusion."

That's the form of Rudy's most newsworthy statement is so interesting. He says that the answer Trump gave (in context, this must mean in response to Mueller's questions) "would have covered all the way up to," and here he corrects himself, "covered up to November, 2016."

STEPHANOPOULOS: Did the president – did Donald Trump know that Michael Cohen was pursuing the Trump Tower in Moscow into the summer of 2016?

GIULIANI: According to the answer that he gave, it would have covered all the way up to – covered up to November, 2016. Said he had conversations with him but the president didn't hide this. They know ...

STEPHANOPOULOS: Earlier they had said those conversations stopped in January, 2016.

GIULIANI: I don't – I mean, the date – I mean, until you actually sit down and you look at the questions, and you go back and you look at the papers and you look at the – the – you're not going to know what happened. That's why – that's why lawyers, you know, prepare for those answers.

This is breaking news, of course: the last we had heard, the Trump Tower negotiations only

went up through July. Here, Rudy seems to be confessing that they went through November.

Only, his reference to “why lawyers, you know, prepare for those answers” suggests that that’s not what Trump’s response to Mueller actually was. I would imagine the response he gave was deliberately left vague enough so that if Cohen (who was caught meeting with Mueller in the days when Trump was finalizing his answers) told Mueller the deal went through November, then Trump’s answer wouldn’t contradict that, even if he didn’t admit that the deal did go that long.

Rudy went on the teevee this morning, in part, to make an utterly damning statement that would nevertheless tell Mueller’s prosecutors that the answer (lawyers wrote but that) his client swore to was meant to cover a deal that continued all the way through November, even if he didn’t say that explicitly.

Remember, the day Cohen pled guilty on the Mueller false statements charge, Rudy gave an unbelievably hedged answer about whether that deal ever died.

“The president, as far as he knows, he remembers there was such a proposal for a hotel,” Giuliani said. “He talked it over with Cohen as Cohen said. There was a nonbinding letter of intent that was sent. As far as he knows it never came to fruition. That was kind of the end of it.”

Rudy seems confident that Cohen did not know about the continuation of this deal, but I’d bet money that it did continue.

Back to today’s interview, Rudy goes on to deny, then back off a categorical denial, that Stone communicated to Trump about WikiLeaks, working hard to suggest that Mueller might only charge a conspiracy to hack, not a conspiracy to defraud the United States (even while the public record makes it increasingly possible that Stone could get charged in a CFAA conspiracy).

STEPHANOPOULOS: And did Roger Stone ever give the president a heads-up on WikiLeaks' leaks – leaks concerning Hillary Clinton, the DNC?

GIULIANI: No, he didn't.

STEPHANOPOULOS: Not at all?

GIULIANI: No. I don't believe so. But again, if Roger Stone gave anybody a heads-up about WikiLeaks' leaks, that's not a crime. It would be like giving him a heads-up that the Times is going to print something. One the – the crime – this is why this thing is so weird, strange – the crime is conspiracy to hack; collusion is not a crime, it doesn't exist.

STEPHANOPOULOS: No. Conspiracy to defraud the government, you're right, conspiracy to hack that is the crime. We don't know whether ...

GIULIANI: Yes. Did Donald Trump engage in a conspiracy to hack with the Russians? They've been going at it. The counterintelligence investigation came to the conclusion no evidence.

Rudy seems to take wholly unjustified comfort in what I can only guess is that GRU indictment describing his client and Stone prominently, without charging them. Hell, Julian Assange hasn't even been charged yet; why does Rudy think the counterintelligence investigation is done?

From there, Rudy *admits he was in discussions with Cohen's lawyers about pardons!!!!* He then suggests that Cohen "double-crossed" – that is, told the truth – because of that discussion about pardons.

STEPHANOPOULOS: Well, they're also looking at obstruction. Did anyone connected to the president ever suggest in any way to Michael Cohen that he

would get a pardon if he stayed on the team?

GIULIANI: I had this specific conversation with his lawyers and that liar can say what he wants, I told his lawyers there will be no discussion of a pardon. That doesn't mean the president doesn't have the – nobody's giving away any power, but do not consider it in your thinking now. It has nothing about what you should decide about yourself. I think that's one of the reasons why he double-crossed.

All this ends with Rudy stating, quite confidently, that Mueller is done, after having *just* said that conversations were ongoing about whether Trump might sit for an interview.

STEPHANPOULOS: I do know that from my time in the White House. Final question: Mueller almost done?

GIULIANI: He is done. I don't know what else – I told you. No, the only thing left are the parking tickets and jaywalking.

Maybe Rudy's right. Maybe Mueller has told him they didn't find any evidence against his client.

But even if that's (improbably) true, if I'm Mueller I might be reopening things in light of this appearance by Rudy.

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.