

MICHAEL COHEN'S TESTIMONY: METACOMMENTARY

Michael Cohen's statement to the House Oversight Committee is here. I'd like to make three meta-comments about what he says about the Russian investigation (which is technically outside the scope of today's hearing but what the fuck, he's going to prison anyway...).

Why Cohen claimed he knew that Trump knew of the June 9 meeting ahead of time

After he pled guilty, Cohen claimed he was a meeting where Trump spoke of the June 9 meeting ahead of time. Later, he backed off any claim of knowing about the meeting in advance.

Here's what he based that initial claim on:

Sometime in the summer of 2017, I read all over the media that there had been a meeting in Trump Tower in June 2016 involving Don Jr. and others from the campaign with Russians, including a representative of the Russian government, and an email setting up the meeting with the subject line, "Dirt on Hillary Clinton." Something clicked in my mind. I remember being in the room with Mr. Trump, probably in early June 2016, when something peculiar happened. Don Jr. came into the room and walked behind his father's desk – which in itself was unusual. People didn't just walk behind Mr. Trump's desk to talk to him. I recalled Don Jr. leaning over to his father and speaking in a low voice, which I could clearly hear, and saying:

“The meeting is all set.” I remember Mr. Trump saying, “Ok good...let me know.”

What struck me as I looked back and thought about that exchange between Don Jr. and his father was, first, that Mr. Trump had frequently told me and others that his son Don Jr. had the worst judgment of anyone in the world. And also, that Don Jr. would never set up any meeting of any significance alone – and certainly not without checking with his father. I also knew that nothing went on in Trump world, especially the campaign, without Mr. Trump’s knowledge and approval. So, I concluded that Don Jr. was referring to that June 2016 Trump Tower meeting about dirt on Hillary with the Russian representative when he walked behind his dad’s desk that day – and that Mr. Trump knew that was the meeting Don Jr. was talking about when he said, “That’s good...let me know.”

Particularly absent a real date, all this exchange tells us is that Don Jr was setting up really sensitive meetings that Trump knew about. It’s possible it was an entirely different criminal meeting. Or it’s possible that this was about the June 9 meeting.

Ultimately, if Mueller wants to charge a conspiracy, he doesn’t need to prove that Trump knew in advance, because Trump took so many other overt acts that made it clear he was part of this conspiracy, including coordinating a public statement about it with Vladimir Putin.

But Trump probably knew in advance.

How to suborn perjury

In the wake of the BuzzFeed article and Peter Carr “correction” – which I suggested reflected different priorities about the role of Trump in lying about the Trump Tower Moscow deal –I

suggested that Trump's flunkies don't need to be told to lie by him. They just do it.

Cohen's statement confirms that's what happened.

I lied to Congress about when Mr. Trump stopped negotiating the Moscow Tower project in Russia. I stated that we stopped negotiating in January 2016. That was false – our negotiations continued for months later during the campaign. Mr. Trump did not directly tell me to lie to Congress. That's not how he operates. In conversations we had during the campaign, at the same time I was actively negotiating in Russia for him, he would look me in the eye and tell me there's no business in Russia and then go out and lie to the American people by saying the same thing. In his way, he was telling me to lie. There were at least a half-dozen times between the Iowa Caucus in January 2016 and the end of June when he would ask me "How's it going in Russia?" – referring to the Moscow Tower project. You need to know that Mr. Trump's personal lawyers reviewed and edited my statement to Congress about the timing of the Moscow Tower negotiations before I gave it. To be clear: Mr. Trump knew of and directed the Trump Moscow negotiations throughout the campaign and lied about it. He lied about it because he never expected to win the election. He also lied about it because he stood to make hundreds of millions of dollars on the Moscow real estate project.

There's still more that needs to be told about the response to the BuzzFeed story, most notably why Mueller's office chose to issue a "correction" when they hadn't for more egregiously erroneous reporting. Hopefully, the outlets that credulously repeated the DOJ line will chase that down. Hopefully, too, the Big Dick Toilet Salesman will be asked to explain

his own role in that “correction” when he takes a Mulligan on telling the truth to Congress.

Mueller isn't telling us everything

Cohen will testify that he was in Trump's office one day, before the DNC Convention, when Roger Stone was put through and Trump put the rat-fucker on the speaker phone.

In July 2016, days before the Democratic convention, I was in Mr. Trump's office when his secretary announced that Roger Stone was on the phone. Mr. Trump put Mr. Stone on the speakerphone. Mr. Stone told Mr. Trump that he had just gotten off the phone with Julian Assange and that Mr. Assange told Mr. Stone that, within a couple of days, there would be a massive dump of emails that would damage Hillary Clinton's campaign. Mr. Trump responded by stating to the effect of “wouldn't that be great.”

Likely, Stone was once again overselling his access to Assange. Likely, this came via a cut-out. It's likely Stone learned about this from his meeting with Nigel Farage at the RNC.

But it is an example of the kinds of details that Mueller – in spite of his speaking indictment of Stone – was trying to keep secret. It shifts Stone's knowledge of WikiLeaks earlier than the indictment. It also makes it far more likely that Trump is the one who ordered someone to find out from Stone what more was coming.

The biggest takeaway from seeing clarifications about what a Mueller witness said is this: Mueller is working to preserve the credibility of a bunch of sleazy sources. And the sources likely don't understand that they don't have to place Trump with a smoking gun. Because of the way conspiracy law works. it's enough to show that Trump willingly entered into the conspiracy

and took many overt acts to pursue the objects of the conspiracy.

Cohen's more accurate testimony does that.

As I disclosed last 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.