

THE TRUMP MEN AND THE GRAND JURY REDACTIONS

Much of the discussion over the Mueller Report in the last day has centered on two questions: Why didn't Mueller force both Donald Trumps to testify?

That discussion, however, has largely not taken notice of two redactions of grand jury materials. The first comes on page 117, at the beginning of the discussion of the June 9 meeting. After saying that the office had spoken with every participant of the meeting save Natalia Veselnitskaya and Don Jr, it explains that the President's son would not testify voluntarily, which is followed by a grand jury redaction.

Trump Jr., Manafort, and Kushner participated on the Trump side, while Kaveladze, Samoehomov, Akhmetshin, and Goldstone attended with Veselnitskaya.⁷²² The Office spoke to every participant except Veselnitskaya and Trump Jr., the latter of whom declined to be voluntarily interviewed by the Office **Grand Jury**

Update: Here's a second instance where discussion of Jr's testimony is redacted for grand jury reasons.

On July 12, 2017, the Special Counsel's Office **Grand Jury** Trump Jr. **Grand Jury** related to the June 9 meeting and those who attended the June 9 meeting.⁷³³

One likely explanation for these redactions is that they explain the Special Counsel's consideration of subpoenaing the failson to appear before the grand jury. They might say, for example, that the grand jury did subpoena him, but that he invoked the Fifth. They might say they considered it but decided not to upon being told that he would invoke the Fifth.

The report does say (page 5 of Volume I) that some people invoked the Fifth but weren't given immunity.

Some individuals invoked their Fifth Amendment right against compelled self-

incrimination and were not, in the Office's judgment, appropriate candidates for grants of immunity.

There's one other possible explanation for the redaction: It might say they decided against subpoenaing him since he was a target of the investigation (and given the very narrow statements about findings of criminal conspiracy, it's possible his later conduct is still under investigation).

The second redaction comes on page 13 of the obstruction volume, in the discussion of attempts to get the President to provide testimony. After stating that the Special Counsel tried to get Trump to sit for a voluntary interview, only to have Trump stall for more than a year, there's a redacted sentence or two.

We also sought a voluntary interview with the President. After more than a year of discussion, the President declined to be interviewed. **Grand Jury**

During the course of our discussions, the President did agree to answer written questions on certain Russia-related topics, and he provided us with answers. He did not similarly agree to provide written answers to questions on obstruction topics or questions on events during the transition. Ultimately, while we believed that we had the authority and legal justification to issue a grand jury subpoena to obtain the President's testimony, we chose not to do so. We made that decision in view of the substantial delay that such an investigative step would likely produce at a late stage in our investigation. We also assessed that based on the significant body of evidence we had already obtained of the President's actions and his public and private statements describing or explaining those actions, we had sufficient evidence to understand relevant events and to make certain assessments without the President's testimony. The Office's decision-making process on this issue is described in more detail in Appendix C, *infra*, in a note that precedes the President's written responses.

The discussion explaining that the office had the authority and legal justification to call the President is *not* redacted. That suggests the redacted line must pertain to something actually involving the grand jury itself – perhaps a characterization of the discussion with the grand jurors about the issue or maybe even something noting that the grand jurors did want to subpoena the President.

Update: Here's a second instance of a redacted grand jury discussion.

opportunity to voluntarily provide us with information for us to evaluate in the context of all of the evidence we have gathered.”⁹ The President declined.¹⁰

Grand Jury

Grand Jury

Recognizing that the President would not be interviewed voluntarily, we considered whether to issue a subpoena for his testimony. We viewed the written answers to be inadequate. But at that point, our investigation had made significant progress and had produced substantial evidence for our report. We thus weighed the costs of potentially lengthy constitutional litigation, with resulting delay in finishing our investigation, against the anticipated benefits for our investigation and report. As explained in Volume II, Section II.B., we determined that the substantial quantity of information we had obtained from other sources allowed us to draw relevant factual conclusions on intent and credibility, which are often inferred from circumstantial evidence and assessed without direct testimony from the subject of the investigation.

In other words, for both the Trump men, there remains an open question about how they dodged testifying about their actions. These two redactions are two of the things Bill Barr is protecting by refusing to ask Chief Judge Beryl Howell to approve sharing of grand jury material with the House Judiciary Committee, as is constitutionally proper. Given how little grand jury material we’re actually discussing, it is all the more problematic that Barr is hiding these two passages even while claiming – as he did yesterday – that the President fully cooperated with the investigation.

We don’t know why Mueller didn’t call Don Jr to testify, and we don’t know whether the grand jury wanted to force the President to testify.

Those are two questions, however, that House Judiciary Committee is in a constitutionally proper position to demand to know.

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.