

ANN DONALDSON'S CODE MAKES RICHARD BURR'S TIP-OFF TO THE WHITE HOUSE FAR MORE DAMNING

The House Judiciary Committee released Ann Donaldson's responses to their questions yesterday. In general, she was directed not to answer even more questions than Hope Hicks was. But her answers are interesting on several counts.

First, she offers a range of answers that sometimes confirm she was part of a discussion (and that it happened in Don McGahn's office or via telephone), sometimes suggest she was part of such a conversation but often claims she does not have an independent memory of whether she was part of it, and sometimes make clear that she was not present. Generally, her answers suggest she learned of most of the events covered by the Mueller Report either by listening in on a phone call or by acting as a sounding board for Don McGahn. She states, "I was in meetings directly with President Trump fewer than ten times" (though she was clearly on McGahn's side of phone calls more times than that).

But Donaldson's answers are also interesting for the way in which she applies a series of pat answers to certain questions. Here's the "code" she uses to answer the questions:

The White House has directed that I not provide any further answer to this question because of the constitutionally-based Executive Branch confidentiality interests that are implicated. These are obviously questions for which a truthful answer would be especially damning to the President.

I have no reason to question the accuracy of the

Special Counsel's Office's description of my handwritten notes. Donaldson answers this way for many questions about her notes, effectively confirming that the Mueller Report's citations of her notes are accurate.

Any characterization of my notes set forth in the Report is that of the Special Counsel's Office and may be derived, in part, from sources other than my notes. One time, she adds this to a description of something in her notes, in response to this question:

Page 72 of the Report recount a meeting that occurred the morning of May 10, 2017 at the White House involving former acting FBI Director Andrew McCabe and the President in which the President said he "received 'hundreds' of messages from FBI employees indicating their support for terminating Comey" and "asked McCabe who he had voted for in the 2016 Presidential election." Footnote 477 notes that the account of the meeting is consistent with your notes at Bates Number SC_AD_00347.

She also answers similarly – suggesting things attributed to her in the Mueller Report may involve her relaying something she learned or other Mueller sources – in response to several questions about her interviews with Mueller.

I affirm the accuracy of the voluntary statements I made when being interviewed by the Special Counsel's Office. Eight times, she affirms the accuracy of something the report says she said. Those are:

1. Footnote 279 on page 49 of the Mueller Report references an entry in your notes (SC_AD_00123) stating, "just in the middle of another Russia Fiasco." The

footnote cites back to a discussion on March 2, 2017 between the President and Mr. McGahn, during which "McGahn understood the President to be concerned that a recusal would make Sessions look guilty for omitting details in his confirmation hearing; leave the President unprotected from an investigation that could hobble the presidency and derail his policy objectives; and detract from favorable press coverage of a Presidential Address to Congress the President had delivered earlier in the week." (15)

2. Page 51-52 of the Report states that on March 5, 2017, President Trump "told advisors he wanted to call the Acting Attorney General [Dana Boente] to find out whether the White House or the President was being investigated." The accompanying citation (footnote 306) cites to an entry in your notes, Bates Number SC_AD_000168, stating "POTUS wants to call Dana/Is investigation/No/We know something on Flynn/GSA got contacted by FBI/There's

something hot.” (28)

3. Page 54 of the Report indicates that on March 21, 2017 “[t]he President called McGahn repeatedly that day to ask him to intervene with the Department of Justice, and, according to the notes, the President was ‘getting hotter and hotter, get rid?’” (40)
4. Footnote 385 of Page 62 of the Report references an entry in your notes at SC_AD_00265 that states “P called Comey – Day we told him not to? ‘You are not under investigation’ NK/China/Sapping Credibility.” (46)
5. Page 68 of the Report states, “Notes taken by Donaldson on May 9 reflected the view of the White House Counsel’s Office that the President’s original termination letter should ‘[n]ot [see the] light of day’ and that it would be better to offer “[n]o other rationales” for the firing than what was in Rosenstein’s and Sessions’ memoranda.” The accompanying citation (footnote 442) cites your notes, Bates Number SC_AD_00342. (51)

6. The Report, on pages 81 and 82 citing to your notes at Bates Number SC_AD_00361, states (footnote 541) that Mr. McGahn “advised that the President could discuss the issue [of whether Mr. Mueller had conflicts of interest] with his personal attorney but it would “‘look like still trying to meddle in [the] investigation’ and ‘knocking out Mueller’ would be ‘[a]nother fact used to claim obst[ruction] of justice.’” (63)
7. Page 82 of the Report states that Mr. McGahn also “told the President that his ‘biggest exposure’ was not his act of firing Comey but his ‘other contacts’ and ‘calls,’ and his ‘ask re: Flynn.’” The accompanying citation (footnote 542) refers to your notes, SC_AD_00361. (64)
8. Page 113 of the Report states that on January 25, 2018, the New York Times reported that in June 2017, the President had ordered Mr. McGahn to have the Department of Justice fire the Special Counsel. Page 114 of the Report states that on January 26, 2018,

the President's personal counsel called Mr. McGahn's personal attorney and said that the President wanted Mr. McGahn to put out a statement denying that he had been asked to fire the Special Counsel and that he had threatened to quit in protest. (77)

I have no reason to question the accuracy of the Special Counsel's Office's description of my voluntary statements to it, although I do not have access to its records of my statements. For a number of other questions, however, she answers (as she does for many questions about her notes) that she has no reason to question the accuracy of what the report writes. It's unclear what the difference is (though the answers she affirms generally make McGahn look smart as compared to Trump.)

Given that code, I'm particularly interested in her responses to question 30, which is about Richard Burr informing the White House about the targets of the FBI investigation, because it suggests Trump may have learned of the list.

In response to the first question on it, Donaldson provides most of her regular coded answers. She can't speak to the accuracy of Jim Comey's briefing of the Gang of Eight, she doesn't dispute Mueller's characterization of her notes and comments, but some of what is included may be from other people.

Page 52 of the Report indicates that the week after Mr. Comey briefed congressional leaders "about the FBI's investigation of Russian interference, including the identification of the principal U.S. subjects of the investigation" on March 9, 2017, one of the leaders briefed, Senate Select

Committee on Intelligence Chairman Senator Richard Burr, was in contact with the White House Counsel's office, which "appears to have received information about the status of the FBI investigation." You are quoted in Footnote 309 as saying that Senator Burr identified "4-5 targets."

a. Is this statement accurate?

RESPONSE: I was not present for Mr. Comey's briefing to the Senate Select Committee on Intelligence, and therefore I cannot confirm whether the description of his briefing to congressional leaders is accurate.

I have no reason to question the accuracy of the Special Counsel's Office's quotation of "4-5 targets" from my notes.

I have no reason to question the accuracy of the Special Counsel's Office's description of the voluntary statements I made to it, although I do not have access to its records of my statements.

Any characterization of my voluntary statements set forth in the Report is that of the Special Counsel's Office and may be derived, in part, from sources other than my statements.

But then, to that same question, she endorses the characterization relayed in the Mueller Report more strongly than she does elsewhere. She didn't take this to be Burr tipping off the White House – though she specifies that that was her belief "at the time," suggesting she now realizes that's not true.

As stated by the Special Counsel's Office in the Report, at the time, I "believed these were targets of [the Senate Select Committee on

Intelligence].”

When asked who initiated this contact, she provides the answer the White House has instructed her to give regarding damaging information pertaining to the President.

Who initiated the contact between the White House Counsel’s office and Senator Burr?

RESPONSE: The White House has directed that I not respond to this question because of the constitutionally-based Executive Branch confidentiality interests that are implicated.

In the course of explaining that this Burr tipoff happened via phone, she pushes back on the characterization that this was a formal briefing, which is the one time she disputes a characterization made by Mueller.

Where did the March 16, 2017 briefing from Senator Burr take place?

RESPONSE: To the extent this question refers to contact between Senator Burr and the Office of the White House Counsel on or about March 16, 2017 (I would not characterize this contact as a formal “briefing”), that conversation took place by telephone.

When asked why Burr tipped off the White House, Donaldson blames the decision on Burr, suggesting that it was done on his initiative (even in spite of her earlier answer refusing to answer just that question).

Why did Senator Burr provide this briefing to the White House Counsel’s office about the investigation into Russian election interference?

RESPONSE: I do not know. I cannot speak to Senator Burr’s state of mind.

Then Donaldson reaffirms that the conversation happened via a call to McGahn, which she was present for (note, I'm not really sure by what she means when she says she was not a participant on calls, but I wonder both whether it was via speaker phone and whether the other party was told she was listening).

Were you present for Senator Burr's March 16, 2017 briefing to the White House Counsel's office?

RESPONSE: To the extent this question refers to a telephone call between Senator Burr and the Office of the White House Counsel on or about March 16, 2017, I was in Mr. McGahn's office during, but not a participant on, the telephone call.

Here's where it gets interesting. In a series of three more questions about the call – including whether the President learned about it – Donaldson provides the answer the White House made her give regarding things that were damning to the President.

Who else was present?

RESPONSE: The White House has directed that I not respond to this question because of the constitutionally-based Executive Branch confidentiality interests that are implicated.

Describe the substance of Senator Burr's March 16, 2017 briefing to the White House Counsel's office.

RESPONSE: The White House has directed that I not respond to this question because of the constitutionally-based Executive Branch confidentiality interests that are implicated.

Were the contents of Senator Burr's briefing shared with the President? If so, describe who shared the contents of the meeting and if you were present for

those discussions.

RESPONSE: The White House has directed that I not respond to this question because of the constitutionally-based Executive Branch confidentiality interests that are implicated.

If no one else was present, she could have just answered that. And unless someone else was present, she should be able to answer about the substance of the question. Ditto the question about passing this information on to Trump: if there were a non-damning answer, given her other practice, she could answer it.

If McGahn passed on the list of people being investigated to Trump, it would make the conversation between Comey and Trump that took place on March 30, two weeks later, more significant. Trump starts by raising Comey's public testimony on March 20, where he confirmed the investigation. But then Comey raises the Gang of Eight briefing.

He said something about the hearing last week. I responded by telling him I wasn't there as a volunteer and he asked who was driving that, was it Nunes who wanted it? I said all the leadership wanted to know what was going on and mentioned that Grassley had even held up the DAG nominee to demand information. I said we had briefed the leadership on exactly what we were doing and who we were investigating.

I reminded him that I had told him we weren't investigating him and that I had told the Congressional leadership the same thing. He said it would be great if that could get out and several times asked me to find a way to get that out.

He talked about the guy he read about in the Washington Post today (NOTE: I think he meant Sergei Millian) and said he didn't know him at all. He said that if there was "some satellite" (NOTE: I took this to mean some associate of his or his campaign) that did something, it would be good to find that out, but that he hadn't done anything and hoped I would find a way to get out that we weren't investigating him.

After Comey raises the Gang of Eight briefing, Trump requests that Comey clear him publicly. But then Trump makes the comment about wanting to know if "some satellite" to his campaign did something, he would want that to be public. Remember, here's what Burr told McGahn, with Donaldson present:

Donaldson 11/6/17 302, at 14-15. On March 16, 2017, the White House Counsel's Office was briefed by Senator Burr on the existence of "4-5 targets." Donaldson 11 /6/17 302, at 15. The "targets" were identified in notes taken

by Donaldson as “Flynn (FBI was ~ooking for phone records”; “Comey~Manafort (Ukr + Russia, not campaign)”; [redacted reference to Roger Stone] “Carter Page (\$ game)”; and “Greek Guy” (potentially referring to George Papadopoulos, later charged with violating 18 U.S.C. § 1001 for lying to the FBI). SC_AD_00198 (Donaldson 3/16/17 Notes). Donaldson and McGahn both said they believed these were targets of SSCI. Donaldson 11/6/17 302, at 15; McGahn 12/ 12/17 302, at 4. But SSCI does not formally investigate individuals as “targets”; the notes on their face reference the FBI, the Department of Justice, and Comey; and the notes track the background materials prepared by the FBI for Comey’s briefing to the Gang of 8 on March 9. See SNS-Classified-0000140-44 (3/8/17 Email, Gauhar to Page et al.); see also Donaldson 11 /6/17 302, at 15 (Donaldson could not rule out that Burr had told McGahn those individuals were the FBI’s targets).

If McGahn passed on this information, Trump would have believed that the Mike Flynn investigation would soon be over, and that Paul Manafort was not being investigated for behavior related to his campaign. Trump never gave a shit about George Papadopoulos and Carter Page.

But Roger Stone was his life-long rat-fucker. And during the campaign, Stone spoke repeatedly with Trump to inform him about what he had learned of WikiLeaks’ plans.

It’s one thing if this was a comment about Sergei Millian, as Comey thought it was. But if Trump knew at this point that Roger Stone was under investigation, that would be a very different thing.

Especially because March 2017 is when Stone ratcheted up his efforts to cover up his discussions with WikiLeaks.

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.