

# CONGRESS ALREADY HAS EVIDENCE TRUMP LIED UNDER OATH TO ROBERT MUELLER

I laid out what follows in this post, but given that the NYT's weak questions for Robert Mueller exhibit ignorance on this point, I'm going to make this more explicit.

In a useless question designed to get Mueller to characterize Trump's answers to the Special Counsel's questions, the NYT asked whether the responses were "candid."

## Do you think the president was candid in his responses?

### THE CONTEXT

The prosecutors asked Mr. Trump more than 65 written questions, including follow-ups. Although he has professed to have the "world's greatest memory," Mr. Trump said more than 30 times that he had no recollection. For instance, he said he did not recall any communications with Roger J. Stone Jr., a friend and former campaign adviser now facing criminal charges, in the six months preceding the election. When prosecutors complained that his answers were "inadequate," they were rebuffed.

In general, virtually all of Trump's answers not only lacked candor, they were downright obnoxious. But on the topic of the Trump Tower Moscow project, Trump's answers are not just insolent, they are lies.

One paragraph of his answers about it – submitted after Michael Cohen started cooperating but before Cohen's plea deal regarding his lies to Congress – reads, [I've numbered the claims as reference points for the discussion that follows.]

I had [1] few conversations with Mr. Cohen on this subject. As I recall, they were brief, and [5] they were not memorable. I was not enthused about the proposal, and [2] I do not recall any discussion of travel to Russia in connection with it. I do not remember discussing it with anyone else at the Trump Organization, although it is possible. I do not recall being aware at

the time of any communications between Mr. Cohen or Felix Sater and [3] any Russian government official regarding the Letter of Intent. In the course of preparing to respond to your questions, I have become aware that [4] Mr. Cohen sent an email regarding the Letter of Intent to "Mr. Peskov" at a general, public email account, which should show there was no meaningful relationship with people in power in Russia. I understand those documents already have been provided to you.

In that answer, Trump replicates three claims that match Michael Cohen's statement to Congress but that Cohen swore under oath were lies in his plea agreement:

1. The Moscow Project ended in January 2016 and was not discussed extensively with others in the Company. ... To the best of my knowledge , [Individual 1] was never in contact with anyone about this proposal other than me on three occasions.
2. COHEN never agreed to travel to Russia in connection with the Moscow Project and "never considered" asking Individual 1 to travel for the project.
3. COHEN did not recall any Russian government response or contact about the Moscow Project.

Cohen's statement claimed he discussed this just three times with Trump; Trump claimed he only

had a “few” such conversations rather than the ten Cohen would later admit to. Cohen’s statement claimed no one ever discussed traveling to Russia; Trump claimed not to recall any discussion of travel to Russia, even though he told Cohen to consult with Corey Lewandowski about when he could take such a trip. Cohen’s statement disclaimed any Russian government response to the Letter of Intent; Trump claimed the only contact with the Russian government was an unanswered letter to Peskov’s public line, rather than the email response from Elena Poliakova that led to a 20 minute conversation that Cohen described to Trump immediately after it finished.

In all three of those statements, then, Trump hewed to the false statement Jay Sekulow helped Cohen write.

That said, Trump made assertions about those three topics in such a way as to claim he didn’t remember the things Cohen remembered in his proffer sessions with Mueller. So as far as those answers go, Trump is covered legally, even if it is more clear these are lies than some of his other non-responsive answers.

Not so Trump’s claim that Cohen’s only contact with Dmitry Peskov was via “a general, public email account” [marked 4, above]. Mueller obtained the January 20, 2016 email response from Peskov’s assistant, Elena Poliakova, asking Cohen to call her. By itself, that email is proof there was a response from the Russian government (though not an obvious one; she wrote it from her personal email account).

Per Cohen’s congressional testimony, the email formed part of the Mueller interviews with Cohen.

Q Do you have a copy of this January 20th, 2016, email from Elena Poliyakova (ph)?

A I do not.

Q When was the last time you saw a copy

of this email?

A Again, at one of the hearings that I attended.

Q With the special counsel's office?

A I believe so, yes.

This email is one of the reasons I'm so interested in the fact that Mueller obtained Cohen's Trump Organization emails from Microsoft, and only subpoenaed Trump Organization the following year for such things: because Mueller obtained this email, Congress (apparently) did not receive it in response to a subpoena, and Trump's lawyers continued to deny the existence of it in November 2018. That suggests *Trump's lawyers continued to hide the existence of this email, even in preparing the President's lawyers to write answers to Mueller's questions.*

(Note: given Don Jr's reluctance to testify to Mueller but his willingness to testify to Congress, it's possible there are damning emails involving him obtained from Microsoft that Trump Organization withheld from Congress, as well.)

Still, thus far, Trump could blame his faulty memory and his lawyers for the inaccuracies of his sworn answers to Mueller.

Not so after his public statements in the wake of Cohen's plea, as Mueller laid out in his report, pointing to the same paragraph I've analyzed above.

On November 20, 2018, the President submitted written responses that did not answer those questions about Trump Tower Moscow directly and did not provide any information about the timing of the candidate's discussions with Cohen about the project or whether he participated in any discussions about the project being abandoned or no longer pursued. 1049 Instead, the President's answers stated in relevant part:

I had few conversations with Mr. Cohen on this subject. As I recall; they were brief, and they were not memorable. I was not enthused about the proposal, and I do not recall any discussion of travel to Russia in connection with it. I do not remember discussing it with anyone else at the Trump Organization, although it is possible. I do not recall being aware at the time of any communications between Mr. Cohen and Felix Sater and any Russian government official regarding the Letter of Intent.  
1050

On November 29, 2018, Cohen pleaded guilty to making false statements to Congress based on his statements about the Trump Tower Moscow project. 1051 In a plea agreement with this Office, Cohen agreed to “provide truthful information regarding any and all matters as to which this Office deems relevant.”<sup>1052</sup> Later on November 29, after Cohen’s guilty plea had become public, the President spoke to reporters about the Trump Tower Moscow project, saying:

I decided not to do the project. . . . I decided ultimately not to do it. There would have been nothing wrong if I did do it. If I did do it, there would have been nothing wrong. That was my business .... It was an option that I decided not to do .... I decided not to do it. The primary reason . . . I was focused on running for President. . . . I was running my business while I was campaigning. There was a good chance that I wouldn’t have won, in which case I would’ve gone back into the business. And why should I lose lots of opportunities? 1053  
[my empahsis]

[snip]

In light of the President's public statements following Cohen's guilty plea that he "decided not to do the project," this Office again sought information from the President about whether he participated in any discussions about the project being abandoned or no longer pursued, including when he "decided not to do the project," who he spoke to about that decision, and what motivated the decision. 1057 The Office also again asked for the timing of the President's discussions with Cohen about Trump Tower Moscow and asked him to specify "what period of the campaign" he was involved in discussions concerning the project. 1058 In response, the President's personal counsel declined to provide additional information from the President and stated that "the President has fully answered the questions at issue." 1059

1053 President Trump Departure Remarks, C-SPAN (Nov. 29, 2018). In contrast to the President's remarks following Cohen's guilty plea, Cohen's August 28, 2017 statement to Congress stated that Cohen, not the President, "decided to abandon the proposal" in late January 2016; that Cohen "did not ask or brief Mr. Trump ... before I made the decision to terminate further work on the proposal"; and that the decision to abandon the proposal was "unrelated" to the Campaign. P-SCO-000009477 (Statement of Michael D. Cohen, Esq. (Aug. 28, 2017)).

1057 1/23/19 Letter, Special Counsel's Office to President's Personal Counsel.

1058 1/23/ 19 Letter, Special Counsel's Office to President's Personal Counsel.

1059 2/6/ 1 9 Letter, President's

As Mueller pointed out in footnote 1053, Trump's comments to the press conflict in significant ways with Cohen's statement to Congress, in that they show the project continued past January and that the decision to end it related to the campaign.

Unstated here – but almost certainly the reason why Mueller went back to Trump after these comments (and Rudy Giuliani's comments admitting the deal continued all the way to the election) – is that by stating that "I decided" even while justifying continuing to pursue the deal during the campaign because, "why should I lose lots of opportunities," Trump is admitting that *he recalls the discussions about the deal* and was enthusiastic about it [marked with 5 above].

Trump's sworn answer to Mueller is that these conversations were not memorable and he was not enthused about the project. But even after submitting those sworn statements, Trump went on TV and described remembering precisely what happened and described the deal as an opportunity he didn't want to lose.

Effectively, those statements amounted to Trump going on TV and admitting he lied under oath to Mueller.

*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.*