

PEOPLE WHO ILLEGALLY WITHHELD DULY APPROPRIATED FUNDING REFUSE TO EXPLAIN TO CONGRESS WHY

CNN reported this morning that all four witnesses who were called to testify today blew off the request under both Executive Privilege claims (for John Eisenberg) and other complaints that the Administration won't be able to have a lawyer present.

All four White House officials who are scheduled to give depositions on Monday during the House's impeachment inquiry won't show up, as a source with knowledge of the situation tells CNN that National Security Council lawyers John Eisenberg and Michael Ellis will not testify.

The two officials will join Robert Blair, assistant to the President and senior adviser to the acting White House chief of staff Mick Mulvaney, and Brian McCormack, associate director for natural resources, energy & science at the Office of Management and Budget, in not testifying on Monday, CNN reported earlier. Energy Secretary Rick Perry, who was scheduled to appear Wednesday, will not participate in a closed door deposition, an Energy Department spokesperson said Friday.

An administration official says Eisenberg isn't showing up due to executive privilege while Blair, Ellis and McCormack aren't going to appear because they won't be able to have an administration lawyer present.

This is being treated like other refusals to show up, but I think it's not.

First, if Eisenberg is claiming *only* Executive Privilege, those claims will quickly expose the President to evidence of guilt that Senators are busy trying to explain away. That's because he should only have Executive Privilege for stuff that actually involves the President. And given that he wasn't on the call with Volodymyr Zelensky, he shouldn't have it, at all, here, unless the President wants to claim that before Eisenberg engaged in a cover-up of Trump's extortion, he asked the President for guidance first.

In fact, if Eisenberg showed up, he'd likely have to invoke the Fifth Amendment rather than Executive Privilege. And once someone does that, it's usually child's play to force that person to resign from government service.

As for the others, Robert Blair and Brian McCormack were being called to explain how the funds duly appropriated by Congress got withheld. Withholding those funds is a crime, as Mick Mulvaney helpfully admitted (in public discussions that likely void any Executive Privilege claims over the decision to withhold the funds). But it's also a crime not to explain to Congress why you withheld funds they told you to spend.

In other words, for at least three of these men, the excuses for not testifying probably amount to crimes in and of themselves, either for the President (if he really were to claim Executive Privilege over Eisenberg's efforts to cover-up his crime) or for the men themselves.

So while this seems like the same old obstruction, I think it may be a new kind of criminally problematic obstruction.

Which may be why Adam Schiff says the first public witnesses are going to be those who illegally withheld this funding.