

TWENTY COMEY QUESTIONS DO NOT ELIMINATE TRUMP'S OBSTRUCTION EXPOSURE

As I laid out a few weeks ago, 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.

As Trump's legal teams shift their efforts to stall Mueller's investigation, the press is shifting their problematic reporting on what legal exposure Trump has. As part of its report that Trump's legal team has made a "counteroffer" to have Trump sit for an interview covering just collusion, the WSJ repeats Rudy Giuliani's bullshit that Trump's obstruction only covers the Comey firing.

The president's legal team is open to him answering questions about possible collusion with Moscow, Mr. Giuliani said, but is less willing to have Mr. Trump discuss questions about obstruction of justice. "We think the obstruction of it is handled by Article 2 of the Constitution," Mr. Giuliani said, referring to the provision that gives the president executive authority to appoint and dismiss members of his administration.

Mr. Mueller is investigating whether Trump associates colluded with Russia's efforts to interfere in the 2016 U.S. election, and whether Mr. Trump sought to obstruct justice in the firing of

former Federal Bureau of Investigation director James Comey in May 2017, while the FBI's Russia probe was under way. Mr. Trump has repeatedly denied collusion and obstruction, and Moscow has denied election interference.

[snip]

Mr. Giuliani said in an interview Monday that the reasons Mr. Trump has given for firing the former FBI director are "more than sufficient" and that as president, he had the power to fire any member of his administration.

This is just more parroting of Rudy's spin, just as the old line that Trump was primarily at risk for obstruction.

Here's the list of questions Jay Sekulow understood Mueller wanting to ask sometime in March, as presented by the NYT. I've bolded what I consider collusion questions (including the June 9 statement, as abundant evidence suggests that reflects direct collusion with Putin on the framing of their quid pro quo). I've italicized the questions that exclusive address Comey.

- 1. What did you know about phone calls that Mr. Flynn made with the Russian ambassador, Sergey I. Kislyak, in late December 2016?***
- 2. What was your reaction to news reports on Jan. 12, 2017, and Feb. 8-9, 2017?*
- 3. What did you know about Sally Yates's meetings about Mr. Flynn?*
- 4. How was the decision*

made to fire Mr. Flynn on Feb. 13, 2017?

5. After the resignations, what efforts were made to reach out to Mr. Flynn about seeking immunity or possible pardon?
6. What was your opinion of Mr. Comey during the transition?
7. What did you think about Mr. Comey's intelligence briefing on Jan. 6, 2017, about Russian election interference?
8. What was your reaction to Mr. Comey's briefing that day about other intelligence matters?
9. What was the purpose of your Jan. 27, 2017, dinner with Mr. Comey, and what was said?
10. What was the purpose of your Feb. 14, 2017, meeting with Mr. Comey, and what was said?
11. What did you know about the F.B.I.'s investigation into Mr. Flynn and Russia in the days leading up to Mr. Comey's testimony on March 20, 2017?
12. What did you do in

reaction to the March 20 testimony? Describe your contacts with intelligence officials.

13. What did you think and do in reaction to the news that the special counsel was speaking to Mr. Rogers, Mr. Pompeo and Mr. Coats?

14. What was the purpose of your calls to Mr. Comey on March 30 and April 11, 2017?

15. What was the purpose of your April 11, 2017, statement to Maria Bartiromo?

16. What did you think and do about Mr. Comey's May 3, 2017, testimony?

17. Regarding the decision to fire Mr. Comey: When was it made? Why? Who played a role?

18. What did you mean when you told Russian diplomats on May 10, 2017, that firing Mr. Comey had taken the pressure off?

19. What did you mean in your interview with Lester Holt about Mr. Comey and Russia?

20. What was the purpose of your May 12, 2017,

tweet?

21. What did you think about Mr. Comey's June 8, 2017, testimony regarding Mr. Flynn, and what did you do about it?
22. What was the purpose of the September and October 2017 statements, including tweets, regarding an investigation of Mr. Comey?
23. What is the reason for your continued criticism of Mr. Comey and his former deputy, Andrew G. McCabe?
24. What did you think and do regarding the recusal of Mr. Sessions?
25. What efforts did you make to try to get him to change his mind?
26. Did you discuss whether Mr. Sessions would protect you, and reference past attorneys general?
27. What did you think and what did you do in reaction to the news of the appointment of the special counsel?
28. Why did you hold Mr.

Sessions's resignation until May 31, 2017, and with whom did you discuss it?

29. What discussions did you have with Reince Priebus in July 2017 about obtaining the Sessions resignation? With whom did you discuss it?

30. What discussions did you have regarding terminating the special counsel, and what did you do when that consideration was reported in January 2018?

31. What was the purpose of your July 2017 criticism of Mr. Sessions?

32. When did you become aware of the Trump Tower meeting?

33. What involvement did you have in the communication strategy, including the release of Donald Trump Jr.'s emails?

34. During a 2013 trip to Russia, what communication and relationships did you have with the Agalarovs

and Russian government officials?

- 35. What communication did you have with Michael D. Cohen, Felix Sater and others, including foreign nationals, about Russian real estate developments during the campaign?*
- 36. What discussions did you have during the campaign regarding any meeting with Mr. Putin? Did you discuss it with others?*
- 37. What discussions did you have during the campaign regarding Russian sanctions?*
- 38. What involvement did you have concerning platform changes regarding arming Ukraine?*
- 39. During the campaign, what did you know about Russian hacking, use of social media or other acts aimed at the campaign?*
- 40. What knowledge did you have of any outreach by your campaign, including by Paul Manafort, to Russia about potential*

assistance to the campaign?

41. What did you know about communication between Roger Stone, his associates, Julian Assange or WikiLeaks?

42. What did you know during the transition about an attempt to establish back-channel communication to Russia, and Jared Kushner's efforts?

43. What do you know about a 2017 meeting in Seychelles involving Erik Prince?

44. What do you know about a Ukrainian peace proposal provided to Mr. Cohen in 2017?

By my count there are:

Comey obstruction: 17

Other obstruction: 13

Collusion: 14

There aren't quite 20 Comey questions, but it's close.

By getting a journalist to uncritically parrot Rudy's claim that all the obstruction questions pertain to Comey, the White House has buried some of the more egregious examples of obstruction, including (offering pre-emptive pardons to Flynn and Manafort, and whoever else) the gross abuse of the pardon power, and

threatening the Attorney General. It also obscures the obstruction for which there are now cooperating witnesses (including, but not limited to, Flynn).

Probably, Trump is trying this ploy because a range of things – Manafort's imminent trial, Cohen's likely imminent cooperation, Mueller's acute focus on Stone, and whatever else Putin told him – give him an incentive to have an up-to-date understanding of the current status of the collusion investigation. If he can do that in a way that makes it harder to charge some of the egregious obstruction Trump has been engaged in, all the better.

Whatever it is, it is malpractice to credulously repeat Rudy's claim that Trump is only on the hook for obstruction for firing Comey.