

# **TRUMP'S PECKER GOT HIM IN LEGAL TROUBLE BEFORE CONSPIRING WITH RUSSIA DID**

It was a three ring circus among top Trump advisors today: Jurors found Paul Manafort guilty on 8 counts (the jury was hung on the other 10); Michael Cohen pled guilty to 8 counts, and Mueller's team continued Mike Flynn's sentencing for 24 days, with a status report due September 17.

The big takeaway, however, is that Trump got named in a criminal information for his extramarital affairs before his conspiring with Russia did. [I've rewritten this headline, replacing "Dick" with "Pecker," in honor of the National Enquirer's role and so Democracy Now can show the headline tomorrow when I appear.]

## **Trump's hush payments make it into Michael Cohen's guilty plea**

The Cohen plea – which developed quickly and reportedly came under pressure to plead before an indictment got filed this week – covered five tax charges, one false statement to a financial institution, one unlawful corporation contribution tied to Cohen's quashing of a National Enquirer story on Karen McDougal, and one excessive campaign contribution tied to Cohen's hush payment to Stormy Daniels. The first reference to Donald Trump – named as Individual 1 – is the 46th word in the in the criminal information.

From in or about 2007 through in or about January 2017, MICHAEL COHEN, the defendant, was an attorney and employee of a Manhattan-based real estate company

(the "Company"). COHEN held the title of "Executive Vice President" and "Special Counsel" to the owner of the Company ("Individual-1").

Cohen will reportedly face three to five years in prison and substantial fines.

In his plea, Cohen stated that he made the hush payments at the direction of a candidate – Trump was not named – knowing the payments violated campaign finance law. Here's how those paragraphs appear in the information:

42. From in or about June 2016, up to and including in or about October 2016, in the Southern District of New York and elsewhere, MICHAEL COHEN, the defendant, knowingly and willfully caused a corporation to make a contribution and expenditure, aggregating \$25,000 and more during the 2016 calendar year, to the campaign of a candidate for President of the United States, to wit, COHEN caused Corporation-1 to make and advance a \$150, 000 payment to Woman-1, including through the promise of reimbursement, so as to ensure that Woman-1 did not publicize damaging allegations before the 2016 presidential election and thereby influence that election.

44. On or about October 27, 2016, in the Southern District of New York and elsewhere, MICHAEL COHEN, the defendant, knowingly and willfully made and caused to be made a contribution to Individual-1, a candidate for Federal office, and his authorized political committee in excess of the limits of the Election Act, which aggregated \$25,000 and more in calendar year 2016, and did so by making and causing to be made an expenditure, in cooperation, consultation, and concert with, and at the request and suggestion of one or

more members of the campaign, to wit, COHEN made a \$130,000 payment to Woman-2 to ensure that she did not publicize damaging allegations before the 2016 presidential election and thereby influence that election.

For all the legal trouble his top aides have gotten in, this is the first time (aside from his cameo calling on Russia to find Hillary's "missing" emails in the GRU indictment) where Trump has been implicated directly.

Thus the headline: His dick [update: Pecker] got him in trouble before his conspiring with Russia did.

There was reportedly not cooperation agreement attached to this plea. I suspect he will be or already has cooperated, however.

Contrary to what some of NYT's hacks say, this doesn't mean his dick got him in *more* trouble than he'll face in the Russian inquiry: just that that will take a bit longer.

Update: As bmaz noted to me, once he pleads on the Stormy Daniels charge, he loses his Fifth Amendment rights, so the Daniels suit against him can go forward – and with it the deposition of Trump.

## **Like Cohen, Paul Manafort is a tax cheat**

Literally at the same time Cohen was pleading guilty, the jury in the Manafort case declared themselves hopelessly at odds on 10 charges, but found Manafort guilty of 8. Like Cohen, he is guilty of 5 counts of tax fraud. He was found guilty on one FBAR charge for not identifying foreign holdings (my suspicion in the other FBAR charges were hung because it was unclear whether the corporations that held the money faced the same liability). And Manafort was found guilty on two of the bank fraud charges. Per Politico,

he was not found guilty on the charges involving payoffs related to the Trump campaign.

Manafort's next trial starts in 27 days, and if Mueller wants a retrial on the remaining 10 charges here he could get that. Though he has bigger fish to fry.

## **Mueller thinks Mike Flynn will be done cooperating in the near future**

While it's far less sexy than the trouble Trump's dick got him in, I'm most fascinated by the status report in the Mike Flynn case. While they're continuing the sentencing process again (meaning he's still cooperating), they're asking for a status report on September 17, the same 27 days away as Manafort's next trial.

That suggests they may be done with whatever they need Flynn to do in the near future.

Things are picking up steam.