

# **ROD ROSENSTEIN DIDN'T EVEN CLEAR TRUMP ON ALL THE TOPICS HE HIRED MUELLER TO INVESTIGATE**

As I have noted, the William Barr memo everyone is reading to clear Trump and his flunkies of a conspiracy with Russia actually only clears the Trump campaign and those associated with it of conspiring or coordinating with the Russian *government* in its efforts to hack into computers and disseminate emails for purposes of influencing the election. The exoneration doesn't even extend to coordinating with WikiLeaks, as Roger Stone is alleged to have done (though that, by itself, is not a crime).

More significantly, it is silent about whether Trump and his flunkies conspired with Russia in a quid pro quo trading election assistance and a real estate deal for policy considerations, the very same kind of election year shenanigans Barr has covered up once before with Iran-Contra.

And that's important, because it means Barr and Rod Rosenstein haven't even cleared Trump of what Rosenstein hired Mueller to investigate.

Jim Comey first described the investigation to include:

1. The Russian government's efforts to interfere in the 2016 election
2. The nature of any links between individuals associated with the Trump campaign and the Russian government

### 3. Whether there was any coordination between the campaign and Russia's efforts

When Rosenstein appointed Mueller, he referenced Comey's statement, but specifically mentioned just bullets 2 and 3 in his mandate, combining those two bullets into one that (unlike Comey's original statement) was limited to just the Russian government, not Russia's efforts generally.

- any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump; and

In May 2017 when Rosenstein hired Mueller (and, according to public reports, through November 2017), the investigation into the hack-and-leak remained elsewhere at DOJ (significantly, but not entirely, in Pittsburgh and San Francisco).

When the FBI raided Paul Manafort on July 27, 2017 – a raid Rosenstein almost certainly approved personally – they were looking for evidence (among other things) on the June 9, 2016 meeting in support of an investigation into accepting campaign contributions from a foreigners or a conspiracy to do so; there was no mention whatsoever of probable cause that Manafort had helped Russia hack Hillary Clinton. Six months after that raid, Mueller would learn that two months after the June 9 meeting, on August 2, 2016, Manafort shared Trump's polling data with Konstantin Kilimnik at a meeting where he also discussed a Ukrainian peace deal that would amount to sanctions relief. Manafort lied about what happened at that meeting. In Andrew Weissmann's opinion, he lied in hopes of getting a Trump pardon.

When the Mueller Report states, “the investigation did not establish that members of the Trump Campaign conspired or coordinated with the Russian government in its election interference activities,” it does so after Manafort refused to explain why he shared that polling data, or whether he knew whom Konstantin Kilimnik was sharing it with, and significantly, whether he had reason to believe that either Kilimnik himself or Oleg Deripaska – neither themselves part of the Russian government but Deripaska unquestioningly with close ties to it – would share the data with the GRU hackers who were still hacking Hillary Clinton.

And yet the only “links and/or coordination” that Barr and Rosenstein addressed involved an, “agreement–tacit or express–between the Trump Campaign and the Russian government on election interference.”

Because of Trump’s obstruction, we don’t know whether Manafort entered into an agreement with Kilimnik to trade sanctions relief for election assistance, but even if he did, it would not qualify as “coordination with the Russian government.” It would qualify as coordination with a cut-out for the Russian government.

Likewise, we know if Don Jr agreed to revisit sanctions relief after Natalia Veselnitskaya and the Agalarov family offered dirt on Hillary. But Don Jr wasn’t even officially part of the campaign, and while Veselnitskaya and Agalarov both have almost inseparable from the Russian government, they are not the Russian government and therefore would not qualify under this standard.

The nature of Manafort’s links to the Russian government via Kilimnik and Don Jr’s links to the Russian government via Veselnitskaya and Agalarov are squarely within Mueller’s mandate as laid out by Rosenstein. And those links are pretty fucking sketchy and possibly criminal, but quite possibly for reasons distant from the hack-and-leak. But by limiting the evaluation of the memo to whether the campaign coordinated

directly with Russia on the hack-and-leak and not whether the links to Russia that Mueller discovered were criminally suspect, Rosenstein, with Barr, is not addressing one part of the job he hired Mueller to do.

That's all the more true given the way that Barr, in consultation with Rosenstein, determined that Trump did not obstruct justice. An explicit part of Mueller's mandate was to investigate the links between his campaign and Russia, including the link through Kilimnik to Deripaska and through him the Russian government. According to Weissmann, Trump's actions led Manafort to refuse to explain those links.

In "conspiring" with Barr to give Trump the all-clear, Rosenstein didn't address a significant part of the job he gave 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.*