

MUELLER'S LANGUAGE ABOUT "COLLUSION," COORDINATION, AND CONSPIRACY

The answer to a key question – what did the rest of the sentence William Barr censored when declaring Trump's innocence by quoting a sentence in the Mueller report that says, "the investigation did not establish that members of the Trump Campaign conspired or coordinated with the Russian government in its election interference activities" – is, in one instance, this:

Although the investigation established that the Russian government perceived it would benefit from a Trump presidency and worked to secure that outcome, and that the Campaign expected it would benefit electorally from information stolen and released through Russian efforts,

The Attorney General was censoring Mueller's judgment that Russia was trying to get Trump elected, and the campaign recognized that Russia's help would benefit the campaign.

There's another key passage of the report that addresses this language in particular. It says two things. First, when Mueller says the investigation "did not establish particular facts does not mean there was no evidence of those facts."

The report describes actions and events that the Special Counsel's Office found to be supported by the evidence collected in our investigation. In some instances, the report points out the absence of evidence or conflicts in the evidence about a particular fact or event. In other instances, when

substantial, credible evidence enabled the Office to reach a conclusion with confidence, the report states that the investigation established that certain actions or events occurred. A statement that the investigation did not establish particular facts does not mean there was no evidence of those facts.

In other words, while the report says the investigation did not establish certain things, it means there was evidence of it, but did not establish it to reach a conclusion with confidence.

Immediately after that passage, the report makes it clear it is not addressing collusion because – as I’ve pointed out over and over – it is not a crime.

In evaluating whether evidence about collective action of multiple individuals constituted a crime, we applied the framework of conspiracy law, not the concept of “collusion.” In so doing, the Office recognized that the word “collud[e]” was used in communications with the Acting Attorney General confirming certain aspects of the investigation’s scope and that the term has frequently been invoked in public reporting about the investigation. But collusion is not a specific offense or theory of liability found in the United States Code, nor is it a term of art in federal criminal law. For those reasons, the Office’s focus in analyzing questions of joint criminal liability was on conspiracy as defined in federal law. In connection with that analysis, we addressed the factual question whether members of the Trump Campaign “coordinat[ed]”—a term that appears in the appointment order—with Russian election interference activities. Like collusion, “coordination” does not have a settled

definition in federal criminal law. We understood coordination to require an agreement-tacit or express- between the Trump Campaign and the Russian government on election interference. That requires more than the two parties taking actions that were informed by or responsive to the other's actions or interests. We applied the term coordination in that sense when stating in the report that the investigation did not establish that the Trump Campaign coordinated with the Russian government in its election interference activities.

Then, in defining how it uses "coordination," it says that coordination requires more than "two parties taking actions that were informed by or responsive to the other's actions or interests," which might be one definition of collusion and of which the report provides plenty of evidence.

So for all the people claiming this report says Trump didn't collude with Russia—it says anything but.