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Subject: my suggested type of edits. lets talk

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The Special Counsel's office, nearly leak-proof since its inception more than a year ago and seemingly immune to the President's constant taunts, might appear to be operating in some parallel universe unmoved by the every-day political turmoil. But in the course of conversations I've had recently, as I research a new book on President Trump and the forces arrayed against him, what has become clear is that Robert Mueller and his office are preparing for a life or death confrontation with the President and the mother of all constitutional crises.

My discussions have been with both White House advisors and people close to the investigation. No source involved in this story would speak on the record.

The sources firmly believe that Special Counsel has ready an aggressive legal theory for the indictment of the president for obstruction of Justice. In the last few weeks, as the President has indulged his pardon authority, the Mueller team has also developed a legal strategy to oppose the likely pardon of former National Security Advisor, Michael Flynn, who had previously struck a plea bargain which could include his testimony against the President.

Robert Mueller, according to one person familiar with the Special Counsel's thinking, could hardly contain his disgust when Rudy Giuliani, the President's new lawyer—hired to make a television case for the President and to push back against the Mueller team—in May airily dismissed the notion that a president can be indicted. Adding insult to injury, Giuliani—who a White House source said had likely learned of aspects of the pending indictment—said Mueller agreed with that assessment. White House sources believe Giuliani was daring the Special Counsel to tip his hand. Mueller, in character, contained his outrage and continued to hold his cards close as his team finished preparing the obstruction case and refined the legal theories under which it would claim the right to haul the president into court.

The Mueller team, according to sources both near the investigation and the White House, has prepared a case, but it requires the approval of Deputy Attorney General Rod Rosenstein, who—with the recusal of Attorney General Jeff Sessions from the Russia-related investigation—oversees the Mueller team. He would need to set aside He could do this based on a finding that the former opinion was inaccurate re the president being above the law. thereby creating an inability to indict a sitting president. Indeed, Rosenstein, as recently as April, publicly declared that the President was not a target. This may have been a form of fig leaf to soothe a President who regularly demands aides assure him he is not being pursued: the President does not become a formal target until Rosenstein agrees to designate him as one.

Any proposed indictment would confront Rosenstein with matters with which he has been intimately involved. The case, according to my conversations, is fundamentally Trump versus the FBI, Justice Department, and Mueller investigation itself. In many ways, it boils down to the word of former FBI Director James Comey against the word of Donald Trump. Rosenstein, at the President's behest, drafted a memo justifying the Comey firing for how the former FBI Director handled the Hillary Clinton email investigation. But that justification, in an embarrassment for Rosenstein, was shortly brushed aside by the President when he admitted that he fired Comey to disrupt the Russian investigation. What's more, the indictment is said to charge that the firing of Andrew McCabe, the former Deputy Director of the FBI, who reported directly to Rosenstein after the Comey dismissal, was an instance of illegal retaliation—tampering or conspiracy by the President against a potential witness.

According to a source with knowledge of the strategy, it will be all the more controversial because it finds the entire narrative of the case for obstruction in plain sight. Almost nothing about the case involves new information. "This indictment could have been drafted without anyone being interviewed," said this source. Rather it takes well covered public events and moves them to a set of circumstantial conclusions. There is no smoking gun beyond the often flagrant, custom-breaking, events of the President's 16 months in office. Indeed, much of the evidence is based on the President's public statements and tweets about those events.

This is, according to White House sources who have gotten wind of this approach, good news: the case then, is just an issue of what motives you ascribe to the President's behavior—behavior that is, the President's supporters

believe it is easy to show, impulsive and not thought out. Hence no intent. For the Mueller team, it is precisely that careless behavior and flagrant disregard for the rules that they aim to put on trial.

There is no certainty that the Special Counsel's office will ultimately pursue its plan to indict the President. But, according to a source the worry is that the plan is "more advanced" than previously believed. . The investigation continues and new evidence or other factors might push both prosecutors and the grand jury in another direction. Just passing its first anniversary, the Mueller investigation has conducted itself with remarkable secrecy. Descriptions of a proposed indictment provide one of the few insights into its strategy and its sense of the political peril in front of it.

It may be noteworthy that there appears now not to be plan for an indictment related to collusion, although, legal experts say, that could come later.

The White House view is that without the underlying collusion charge, Mueller will be presenting a weak and politically-motivated case. The Mueller view seems to be that the obstruction charges go to the heart of exposing how Trump has abused his power and turned the White House into a corrupt fiefdom.

The President's scheme to obstruct the FBI's investigation into connections between the Trump campaign and Russian efforts to undermine the U.S. election, according to Mueller began on the 7th day of the Trump administration. Three days prior to this, on January 24, National Security Advisor, Michael Flynn, lied to the FBI about his contacts with the Russian Ambassador, Sergey Kislyak. These were contacts, directed by an unnamed person.

That unnamed person, in the view of several lawyers who discussed the case with me, is very likely Trump himself, and might imply that Trump encouraged Flynn to lie to the FBI, promising to protect him—using his influence or pardon powers.

On January 27th, seven days after Donald Trump's inauguration, the President had the one-on-one dinner with FBI

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