

1. **Mark your confusion.**
2. **Show evidence of a close reading.**
3. **Write a 1+ page reflection.**

## **'Where Is the Collusion?' Answers to All Your Questions about the Russia Investigation**

Source: Chris Megeerian, *Los Angeles Times*, September 3, 2018

The news flooding out of the Russia investigation can feel relentless, a nonstop torrent of indictments, plea deals and legal maneuvering. President Trump regularly blasts the probe as a “witch hunt” and denies any wrongdoing. “Where is the collusion?” he demanded in a recent rally.

The November midterm elections are looming, so it’s a good time to take stock of what special counsel Robert S. Mueller III has done so far and what could happen next.

### **Let’s get right to the point. Has anyone found any collusion?**

The short answer is that no U.S. citizens have been charged with working with the Russians to influence the 2016 presidential election.

### **So what are all these criminal charges about?**

You can separate the charges into two categories. The first includes the indictments of 25 Russians for allegedly interfering in the election, either through spreading misinformation on social media or hacking email accounts of Democrats and releasing them online. Charges include conspiracy, identity theft and money laundering, and some of the accused Russians are military intelligence officers. The second category is people close to Trump who have run afoul of the law. Two of them, former national security advisor Michael T. Flynn and former campaign foreign policy advisor George Papadopoulos, have pleaded guilty to lying to investigators.

Trump’s former campaign chairman, Paul Manafort, was convicted of tax evasion and bank fraud. He faces a second trial this month on related charges. Manafort’s former deputy, Rick Gates, pleaded guilty to false statements and conspiracy, then testified against him.

### **Why is Manafort being prosecuted for financial crimes? What does that have to do with Russia and the election?**

The charges aren’t related to the presidential campaign. Mueller began probing Manafort because of his connections to Russian interests, particularly the pro-Kremlin political party in Ukraine that he advised. But Mueller was also authorized to investigate “any matters that arose or may arise directly from the investigation.” A federal judge declined to throw out the charges against Manafort when defense lawyers argued that the special counsel had overstepped his authority.

### **You forgot Michael Cohen. What’s going on with him? Does that have anything to do with Russia?**

Trump’s former personal lawyer pleaded guilty to tax evasion, bank fraud and campaign finance violations. The case started with Mueller, but he referred it to federal prosecutors in New York. The charges don’t involve Russia, but Cohen directly implicated the president in a criminal scheme. He told the court that Trump directed him to arrange \$280,000 in hush money payments to two women shortly before the 2016 election, violating the law because the money was intended to serve a political purpose, wasn’t disclosed and exceeded contribution limits.

### **So none of the charges against Trump allies have anything to do with Russia?**

It’s not that clear cut. Some of the charges are related to Russia even though they don’t allege that specific acts were taken during the presidential campaign.

For starters, Papadopoulos admitted to lying to the FBI about his conversations with a London-based professor — someone with connections to Russian officials — who told him that Moscow had “dirt” on Hillary Clinton. Those lies hampered the investigation, prosecutors said in a recent court filing.

In addition, Flynn admitted to lying about phone conversations with the Russian ambassador during the presidential transition after the election. During the calls, Flynn urged Moscow not to retaliate against sanctions put in place by outgoing President Obama as punishment for election interference.

The investigation isn't over, and there's no telling what Mueller is keeping under wraps or what he may yet find. Although some of Trump's allies have urged Mueller to finish his case, the special counsel's office is moving at a rather fast clip in the world of complicated federal investigations.

### **What is 'collusion' anyway? Is that a crime?**

Collusion is not a legal term, so it's best to strike that word from your vocabulary when dealing with the Russia investigation. "There has been a disturbing disconnect between media commentary and the criminal code," said Jonathan Turley, a George Washington University law professor.

If Mueller uncovers any wrongdoing involving Trump aides and the campaign, the likely charge would be conspiracy. But it gets a little complicated. Conspiracy charges are generally related to a specific criminal offense, such as a conspiracy to commit bank fraud.

One category of offenses could involve campaign finance violations because it's illegal to receive donations or another "thing of value" from foreign nationals. There could also be charges related to hacking if prosecutors determine that U.S. citizens were involved with breaking into Democratic Party computers and email accounts.

Another offense could be conspiracy against the United States, which is broadly defined as two or more people plotting "either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose."

### **Even if there wasn't a conspiracy between Trump and Russia, did the president obstruct justice?**

Since Mueller was authorized to examine issues stemming from the investigation into Russian political interference, he's also scrutinized Trump's attempts to influence the case. Ever since taking office, the president has repeatedly tried to exert control over the investigation.

The question is whether his actions crossed a legal line. Trump's lawyers have repeatedly argued that, because the president oversees the Justice Department, he has the constitutional authority to tell prosecutors how to do their jobs.

But many legal experts disagree. A recent report from the Brookings Institution concludes that a full accounting of Trump's actions "strongly supports that the president obstructed justice under ordinary application of the relevant criminal law."

### **Is Trump ever going to sit down for a formal interview with Mueller?**

The president's lawyers and the special counsel's office have been dancing around this issue for months. Trump has publicly pledged to testify under oath. But he has resisted meeting with prosecutors and his attorneys have tried to limit the type of questions they could ask. The two sides have been negotiating by sending letters back and forth, and it's unclear whether they'll reach an agreement.

Mueller could try to force the issue by issuing a subpoena for Trump to testify before a grand jury. Such a step would almost certainly spark a legal battle that would rocket to the Supreme Court.

### **Could Trump be charged with a crime?**

It's unlikely. Justice Department guidelines say a president cannot be indicted while in office, and there are no signs that Mueller — who technically works for the department even though he functions more like an independent prosecutor — is considering overruling that.

### **So that's it? No matter what he did, the president doesn't face any legal threat?**

Trump isn't invulnerable, but he doesn't face the same kind of exposure as an average citizen. Mueller has the option to write a report on his findings and present it to Deputy Atty. Gen. Rod Rosenstein, who oversees the special counsel's work. The report could be made public or presented to Congress at that point.

If the report includes strong evidence of wrongdoing by the president, there could be political repercussions. Congress could hold hearings or even try to impeach Trump, a step that becomes more likely if Democrats win back control of the U.S. House in this year's midterm elections.

### **Possible Response Questions:**

- Pick a passage from the article and respond to it.
- Discuss a "move" made by the writer in this piece that you think is good/interesting. Explain.