

Mueller's Got Nothing

His probe has yet to uncover evidence of actual criminal acts by the president.

by Conrad Black



Robert Mueller on Capitol Hill in 2013. (*Yuri Gripas/Reuters*)

The revelations of the last few days are, though disguised, the crash in ignominy of the Robert Mueller putsch. But they are far from the end of the story. While the sire of the Mueller hit-squad assault, former FBI director James Comey, declared 245 times at last Friday's House Judiciary Committee hearing that he did not recall events that occurred in the last several years, the president's official enemies confessed that the best they could do to show collusion between Russia and the Trump presidential campaign was that lawyer Michael Cohen, who had almost nothing to do with the campaign, had received a message in 2015 from someone promising "synergy" between Russia and a Trump presidency. Cohen did not respond to the message. There is no evidence of such collusion, as chief FBI bloodhound Peter Strzok acknowledged to his intimate

colleague Lisa Page in 2016, and collusion is not a statutory offense anyway, unless it is for an illegal purpose. Despite 29 months of mighty investigative effort, not a shred of evidence of such wrongful collusion has been adduced.

Collusion to rig the presidential election was cited by Hillary Clinton, along with being “shivved three times by Jim Comey,” as the reasons for her election loss, in her post-electoral memoir, *What Happened*. The first didn’t occur, and of the three administrations of the shiv, two were dubious exonerations about which the former FBI director now, under oath, has suffered a merciless attack of amnesia. An optimist could at least celebrate the end of this malignant idiocy of impeaching Trump for collusion with Russia, but there is something about the Trump phenomenon that is only now becoming clear: His support is irreducible and his enemies are inexhaustible, so, in the worst imaginable application of the tired phrase, the show must go on. His enemies hate him so fanatically, they cannot accept the absence of evidence against him.

Carl Bernstein, who predicted almost two years ago that the Steele dossier would bring Trump down, and announced almost a year ago that the president qualified under the 25th Amendment as mentally incompetent to serve, was nodded to approvingly by CNN’s always mechanically anti-Trump Brian Stelter when Bernstein asseverated that Mueller was causing the world to “tremble” by the gravity of his revelations. Poor Anderson Cooper, television’s saddest person, thought the “synergy” message, which Cohen did not respond to, “could stick.” Stick to what? He and his fellow commentators, adhering to CNN’s rigorous policy of 100 percent partisan hatred of the president, thought the whole business seemed “collusionary.” I submit that this sort of mindless, biased drivel is an assault on reasonable standards of public information and thus in some measure constitutes a form of animosity to the people. This lends a color of right to Trump’s references to his more

perfidious media critics as “enemies of the people.”

Sane and serious commentators such as Andy McCarthy, former assistant U.S. attorney (and a friend), and law professor Jonathan Turley are more concerned about the finding by the U.S. attorney in Manhattan that the president, before his election, ordered Cohen to violate election-financing statutes, in paying off the aggrieved claimants to long-past alleged sexual relationships with Mr. Trump: Stormy Daniels and Karen McDougal. Since this is so far out of Mueller’s field of investigation, he handed it off to the U.S. attorney in New York’s Southern District. One of the president’s senior counsel, Rudolph Giuliani, said or implied months ago that the threats of the two women (rather refreshing personalities, from what the public has seen of them) and the settlements, both in response to blackmail attempts that were breaches of contract, were paid by Cohen and repaid by Trump in the normal course of paying unitemized legal billings from Cohen.

What makes the Southern District’s U.S. attorney leap to (all of) his feet, snarling and snapping and with dreams of publicity and political sugar plums dancing in his head in the manner of many American prosecutors, is that as part of his plea bargain, Cohen claimed that the payments to the two women were illegal campaign contributions, as they were made to spare candidate Trump embarrassment in the last phase of the 2016 election, and that Trump knew about them. This has invited and created the inference in the Trump-hating media that the president is an unindicted co-conspirator. That he may be so in the mind of an American prosecutor carries no more weight than did the opinions of a few flaky West Coast federal judges last year that Trump had no right to exercise his constitutional prerogative of controlling entry by foreigners into the United States.

It’s an opinion and a headline. But the U.S. attorney catechized Cohen into the claim that it was a campaign contribution when, in fact, Trump paid Cohen’s bills and a

candidate can contribute to his own campaign. It will likely be found, if necessary, that a prosecutor cannot indict an incumbent president, and has to send anything regarded as incriminating evidence to the House Judiciary Committee for possible action. Even the incoming chairman of that committee, Jerrold Nadler, whose every fifth word since the last presidential election has been "impeachment," will have difficulty imagining that this tawdry and comical business has legs as an impeachment case. Cohen is charged, *inter alia*, with lying to Congress, and if every such episode in the pre-presidential lives of U.S. presidents were judged as retroactively impeachable, at least ten previous presidents would be dragged from their honored immortality and besmirched. It is obvious that both Mueller (with former Trump campaign manager Paul Manafort) and the federal prosecutors in New York (with Michael Cohen) are negotiating sentences in exchange for the confection of more damaging evidence against the president. In any serious foreign jurisdiction, the prosecutors would be disbarred, though this perverted plea-bargain system is the core of American criminal justice and its North Korean levels of conviction.

It is all nonsense; it has always been nonsense, but it is ineluctable. Adam Schiff, the incoming chairman of the House Intelligence Committee, claims that the president may be imprisoned after the end of his term. As long as the Democrats continue to pretend that they have a legal reason to destroy the president, the president's supporters will pursue the Democrats, led by Hillary Clinton, James Comey, his deputy FBI director Andrew McCabe, former intelligence directors James Clapper and John Brennan, and former attorney general Loretta Lynch, for what clearly seems to be lying to federal officials or Congress, and involvement in a fraudulent FISA surveillance warrant or renewal. The heaviest and fiercest phase of this struggle may be about to begin.

There is some truth to the view of Peggy Noonan and many

others that even if the president hasn't committed crimes, the House of Trump has a lot of rocks and bricks in its foundation that, when lifted, reveal "bugs and spiders." He has been traduced and defamed and wrongfully assaulted by the most venomous of the swamp creatures. But he is so rough-edged and self-preoccupied, it mitigates what would normally be the tidal wave of support Americans would give their president when he is wronged. It is all distasteful and unseemly and no one really wins. This was what was being mourned at the Bush and even McCain funerals – that the whole business of American politics has become so nasty and horribly expensive. The Clintons had more to do with this than Trump has, but when the Obama administration allowed the Justice and intelligence apparatus to become corrupted in their support of the Clinton candidacy against so politically formidable and vehement a no-holds-barred opponent as Trump, the entire system was compromised, and it is now stripping itself naked, round after round. Trump will almost certainly win, but the cost in the distraction to the country and the washing of dirty laundry before a nonplussed world will be damaging.

We are where we are, and it will not be easy to row back. The best that can be hoped for is that when all the combatants have shed their blood and gored their enemies, the attorney general-designate will succeed in abolishing or radically reforming the position of special counsel or prosecutor and the plea-bargain system, the dysfunctional lopsidedness of American criminal justice will be reformed, the country will have learned the evil of criminalizing policy differences, and the Justice Department and the intelligence agencies will have learned never to stray into partisan misdeeds again. For such an outcome to this sordid intractable business, those given to such activity should prepare to propitiate the Almighty with unprecedented fervor and eloquence.

First published in