

THE MILLER REPORT
A PLAY ON THE MUELLER REPORT
By Nicholas Gordon

Note: This play is a dramatic presentation of information contained in the *Mueller Report on the Investigation of Russian Interference in the 2016 Presidential Election*. It is not meant to be taken as fact; it is, in fact, fiction, which is why the names of the people portrayed in the play, as well as their personalities, are fictional. Also, the interrogations pictured here are clearly not the sort of interrogations that were actually conducted by the Special Counsel's office, but are used to help dramatize as faithfully as possible the material contained in the Report. Some parts of the Report, however, were too heavily redacted to be dramatized here.

ACT 1

EVIDENCE OF COORDINATION WITH FOREIGN ENTITIES

Scene 1: An interrogation room. STEVE HAHNAMAN, a handsome dark-haired, dark-eyed man in his late twenties dressed in a sport jacket and open shirt, sits uncomfortably facing the audience at what looks like a bare conference table. Behind him, a blank grey wall. The VOICE of a female interrogator comes from the other, not visible, side of the table.

VOICE: Tell us, please, what was your role in President Reiter's campaign?

STEVE: I was an unpaid advisor.

VOICE: And in what area did you provide advice?

STEVE: Foreign policy.

VOICE: Any particular specialty?

STEVE: Russia.

VOICE: Why Russia?

STEVE: I had some experience on energy issues, on Russian energy issues. I thought I could be useful to the campaign. You see, President Reiter has very limited experience in foreign policy and few advisors with this sort of expertise.

VOICE: How did you know that the Russians had hacked into the computers of the Selig campaign and had stolen some of Karen Selig's emails? How did you find out about this before the emails were leaked?

STEVE: (*Long silence. STEVE is obviously considering his answer.*)

VOICE: Mr. Hahnaman? I remind you, you're under oath.

STEVE: It's a little bit of a story.

VOICE: No problem. We have time.

STEVE: I'll be betraying a confidence.

VOICE: You're being compelled to testify. I can't think of a better excuse.

STEVE: OK. (*Deep breath.*) I was in Rome for a conference when I met this professor, Alessandro Metami. I had heard that he was an influential figure with contacts at the highest levels of the Russian government, so I wanted to get to know him. You know, for the campaign, as well as for myself. When I introduced myself, he just smiled politely and turned away. But when I told him I had just been appointed a foreign policy advisor for the Reiter campaign, he was suddenly very interested. I mean very interested. He said we should meet when he got back to London, where I was staying as well.

VOICE: This was in March.

STEVE: Yes, March of 2016.

VOICE: And you met him in London.

STEVE: Yes, in London. At lunch he told me that the Premier of Russia, Putin himself, was interested in meeting with Candidate Reiter. That Premier Putin wanted to discuss possible relations between the two countries should Mr. Reiter win the election. He pressed me to try to arrange such a meeting, which I did, informing the campaign of Putin's interest. I got the OK to arrange such a meeting from the highest levels of the campaign. Mr. Reiter himself expressed an interest in having such a meeting. I wasn't aware at the time that he was attempting to get permission from the Russian government to build a Reiter Tower in Moscow.

VOICE: Then why didn't the meeting take place?

STEVE: After some back and forth, the campaign got some bad press about Reiter's sympathies for Russia. I think that's why it was decided that the optics of such a meeting would not be positive.

VOICE: Yes, of course. The optics. And what about the hacked emails?

STEVE: Believe me, I was getting to that. Prof. Metami and I had another meeting in May. This was while I was still trying to arrange a meeting between Mr. Reiter and Premier Putin. The professor told me he had learned on a recent trip to Moscow that the Russians had hacked into the computers of the Selig campaign. That they had gotten some dirt on Candidate Selig in the form of Mrs. Selig's emails. That this information would be very useful to the Reiter campaign and would be released anonymously fairly soon.

VOICE: Did you inform anyone at the Reiter campaign about this?

STEVE: No. Prof. Metami made it very clear that this information was confidential, and I was to tell no one about it. I think he told me only to confirm for me the high level of his contacts.

VOICE: And did you tell anyone else about this?

STEVE: (*Another long silence.*)

VOICE: Who did you tell?

STEVE: I told Harry Boyle, an attaché at the Australian embassy in London. It was very dumb, I know. I was drunk. I'm not making an excuse, just an explanation. I knew Harry as a friend, we went out to clubs sometimes and sometimes to bars, just two young guys making our way up the ladder in a foreign town. Well, I got drunk one night and began to brag about the fact that I was trying to arrange this historic meeting between the Premier of Russia and the next American President. And then I just couldn't hold it in. Out it came, like an upchuck. (*In a drunk voice.*) I have some tippy-top secret information, the kind that once you know, I'll have to kill you. (*Giggles.*) The Russians hacked into Karen Selig's emails and will be releasing some very damaging information very soon. But Harry suddenly became sober. Where did I get this information? he wanted to know. And had I told anyone in the Reiter campaign? So I sobered up pretty quickly, too, and tried to get him to swear not to tell anyone. But he went on about how I needed to tell the proper authorities right away, and how if I didn't, I was an accessory to a foreign government's attempt to interfere with a democratic election. And so on, and so on. I thought, Holy shit! I'm cooked! Who the hell is this guy going to tell? But then, when I didn't see him again, like he was avoiding me, and when I didn't hear anything more about it, I thought --

VOICE: That he might not have told anyone?

STEVE: Yes. At least I hoped so.

VOICE: But why didn't you tell anyone in authority that you knew the Russian government was interfering with an American election? Did you think it was just OK? You never thought that it was your obligation --

STEVE: It was to help Reiter. Don't you understand? That was the whole thing. I wanted Reiter to win. I know it was wrong for Russia to interfere with the election, and wrong of me not to blow the whistle on it. But I saw this as an opportunity. For me. For me personally to be an important part of a successful campaign. That was all. It was like, this is great! This will turn the election! And besides, I had promised Prof. Metami that I would keep this quiet. I didn't want to cut myself off from my primary connection to the Russian government. If I did that, what good would I be to the campaign?

VOICE: OK. I understand. You were a willing accessory to a criminal act by a foreign power that threatened the national security and the democratic system of your country. Have I got it right?

STEVE: *(Looks down silently at the table.)*

VOICE: But one good thing came of it.

STEVE: What was that?

VOICE: After the emails leaked, the Australian government got in touch with us and told us you had prior knowledge.

STEVE: So Harry told them.

VOICE: Yes. Harry told them. That was how this investigation began. Once we knew that someone associated with the Reiter campaign had prior knowledge of Russian interference in the election, we had to investigate the possibility of wider collusion. But let me get something absolutely straight, reminding you that if you don't tell us the truth, right now in this room, we will prosecute you for perjury and obstruction of justice to the full extent of the law. Did you ever tell anyone in the Reiter campaign about Russia's hacking into Karen Selig's computer, either before or after the anonymous release of the Selig emails?

STEVE: No, I didn't.

VOICE: Do you know whether anyone in the Reiter campaign, other than you, ever heard in advance of Russia's hacking into Karen Selig's emails, ever knew in advance of when they would be released, or ever coordinated their release with the Russians or anyone else?

STEVE: No, no. As far as I know, no one in the Reiter campaign knew in advance of any of this. This was just Professor Metami confirming to me the level of his contacts and me getting drunk and spilling it to Harry. That was all of it. The whole thing. No coordination. No collusion. At least as far as I know.

DARK

Scene 2: The Interrogation Room. As before, except that FRED REITER, a man in his late thirties sporting a well-groomed goatee and dressed in a business suit and tie, is the one seated at the other end of the table.

VOICE: Tell us, please, how the meeting of June 9, 2016, came about.

FRED: A few days before the meeting I got an email from Bill Radin. You know Bill Radin? He's a music promoter in England. He's close with Basil Raditchev, the son of Aram Raditchev, a real estate developer with ties to the Russian government. My father knew Basil well since he had worked with Basil's father on a proposal to build a tower in Moscow. Anyway, in the email Bill said that the Crown Counsel in Moscow had spoken to Basil's father, offering to give our campaign some incriminating information on Karen Selig. This was part of Russia's attempt to bring about my father's election, he said. He asked me to get in touch with Basil to see how we might deal with this going forward and also offered to get in touch with my father about it.

VOICE: Did he communicate this information to President Reiter?

FRED: Not to my knowledge. Nor did I. I don't think my father knew of the meeting until word of it got out to the press.

VOICE: How did you respond to the email?

FRED: I said I loved it, naturally, especially if the incriminating information against Karen Selig were to be released later in the summer, just when the campaign was heating up.

VOICE: It didn't bother you that a foreign government, an unfriendly foreign government, was interfering with an American election?

FRED: Not even a little. Not one teeny, tiny bit. First of all, neither my father nor I consider the Russian government unfriendly. And second of all, what campaign wouldn't like to get dirt on an adversary, no matter what the source?

VOICE: You never thought to let an authority of your own government know that Russia was trying to sway the election towards your father?

FRED: Of course not! Who was the U.S. government? Democrats! Karen Selig had been Secretary of State, for God sakes! And the incriminating information was about her. What do you think she would have done with it?

VOICE: She would not have been the one handling the information.

FRED: Anyway, the idea of sharing this information with our adversaries never crossed any of our minds. And as it turned out –

VOICE: So let me get this straight: The U.S. government was your adversary and the Russian government was your friend?

FRED: (*Silent for a moment.*) The Democrats were our adversaries, and they were in charge of the government.

VOICE: If the Republicans were in charge of the government and the Democrats got criminal help from Russia and kept it secret, would that also be OK?

FRED: If you'll let me continue, you'll see that the meeting was a total con job. We got no information, no help, no nothing. A complete waste of time.

VOICE: Continue then.

FRED: After I had a few phone calls back and forth with Basil, Bill emailed again to set up a meeting with Marina Poplovsky, a lawyer who he said had close ties to the Russian government. I included Isaac Goldfarb and Shane Westover from our side, and Bill, Basil, Marina, and a translator attended on the Russian side.

VOICE: And the meeting took place at Reiter Tower?

FRED: Yes.

VOICE: And where was your father at the time?

FRED: In his office.

VOICE: On the floor above?

FRED: Yes.

VOICE: And he knew nothing of the meeting?

FRED: No, he knew nothing of the meeting. I didn't think there was any reason to tell him unless something came of it. And as it turned out, nothing came of it. It was all a ruse, an excuse for Marina Poplovsky to talk about removing sanctions on Russia and Russia again allowing Americans to adopt Russian babies. We told her there was nothing we could do about that now, but that we could perhaps revisit it if we ever got elected. Isaac made some excuse and left about 10 minutes in, when it had already become obvious that we had been snookered, that there was

no dirt on Secretary Selig to be had. I ended the meeting maybe 15 minutes later. It was all a big nothing. Bill apologized to me about it maybe seven or eight times.

VOICE: So you never told your father anything about what had happened?

FRED: Really, nothing had happened. Nothing at all. It was a big waste of time. I don't know why the liberal media made such a big thing of it.

VOICE: It demonstrated that you and your campaign were happy to accept the help of a foreign power --

FRED: So what?

VOICE: Accepting or soliciting help from a foreign power in an election is a crime.

FRED: But I told you, at that meeting we got no help at all.

VOICE: The point is that you said you loved it when you heard that Russia was offering you dirt on your opponent. You had no intention of reporting the contact to Federal authorities. You attended the meeting hoping to get assistance from Russia. That would have made you guilty of a crime.

FRED: It might have if we had been given any incriminating information. But it didn't happen. The meeting was perfectly innocuous. It really was about lifting American sanctions on Russia and Russia's again allowing Americans to adopt Russian babies. So no incriminating information, no crime. Right? Right?

DARK

Scene 3: The Interrogation Room. As before, except that JIM SUMNER, a man in his mid-forties in a business suit and tie, is the one seated at the other end of the table.

VOICE: What was your role in the Reiter campaign?

JIM: I was deputy campaign chairman from May 2016 to mid-August. And I had been working since March with Larry on the convention.

VOICE: Larry Sawchuk?

JIM: That's correct. I had been Larry's assistant for many years, and that role simply carried over into the campaign.

VOICE: Were you paid by the campaign during that time?

JIM: No. We were volunteers.

VOICE: Interesting to have the campaign chairman and deputy chairman as unpaid volunteers.

JIM: Many people worked in the Reiter campaign in that capacity.

VOICE: Why do you think that was?

JIM: I can only answer for Larry and myself. We wanted to use our connection to the campaign for business purposes, both before and after the election.

VOICE: What kind of business purposes?

JIM: We were consultants. What we had to sell was our connections, and running a Presidential campaign was pretty valuable merchandise. Don't you think? But Larry also had some more immediate purposes. He was being sued by Sasha Kolnikov, a Russian billionaire with close connections to the Russian government, over a \$2 million investment that had gone sour. Also, Larry was owed around \$2 million for political consulting work in Ukraine. He had been a consultant for Viktor Yanukovich, the pro-Russian President who had been ousted by the Orange Revolution. Now Larry was broke, flat broke at the time. So one of the first things he asked me to do once we had joined the campaign was to prepare a memo to three pro-Russian Ukrainian oligarchs, Dmitri Luchechko, Marko Karvatny, and Pavlo Vinnichenko, as well as to Sasha Kolnikov, announcing our appointment and suggesting that we would be open to consulting on Ukrainian politics.

VOICE: And you sent the memo?

JIM: Yes, through Kostya Andreiko, our Ukrainian contact in New York. He translated the memo and sent it to the named parties.

VOICE: And what was the result?

JIM: Larry wanted Sasha to drop the lawsuit against him and the Ukrainians to pay him the \$2 million. To prove to them how much influence he had and what he could do for them, he shared polling data from the campaign with Kostya, with the understanding that the data would again go to the four parties named above.

VOICE: He shared the campaign's internal polling data?

JIM: Yes.

VOICE: With Sasha Kolnikov, who was known to have connections to Russian intelligence?

JIM: Yes.

VOICE: How often?

JIM: Well, actually I sent it at Larry's instruction. I sent it periodically, whenever a new set came out.

VOICE: How often was that?

JIM: It varied week to week.

VOICE: Did he share any other information from the campaign?

JIM: I don't know about then. Later, he did. But I do know that Larry corresponded directly with Kostya and asked him several times whether there was any progress in resolving his legal issue with Sasha. He even offered to brief Sasha personally on the progress of the campaign. But as far as I know, he never actually did that. He also offered to use his relationship with Reiter to advance Sasha's business interests, should Reiter win the election.

VOICE: What did Sasha Kolnikov do with all this polling data?

JIM: I have no idea.

VOICE: You have no idea.

JIM: No, I have no idea. Why don't you ask Larry?

VOICE: We interviewed Mr. Sawchuk extensively. His information was not reliable.

JIM: Well, I don't know. What can I tell you?

VOICE: You were at a meeting with Mr. Sawchuk and Kostya Andreiko in August 2016. What was discussed there?

JIM: They discussed a number of things. The meeting began with a peace plan for Ukraine that Kostya had brought back after meeting with Yanukovich, who was living in exile in Moscow. The plan called for setting up a separate republic in the Donbas region of eastern Ukraine which was occupied by a combination of rebels and Russian "volunteers," and installing Yanukovich as the prime minister. Kostya pressed Larry to bring this plan to Reiter to have him come out in support of it during the campaign. He also wanted Larry to use his connections in Ukraine and Europe to help make this scheme happen.

VOICE: And did Mr. Sawchuk ever bring this back to Candidate Reiter?

JIM: No, of course not! Reiter was already considered too pro-Russian in the press. How could he publicly support a plan to carve out half of Ukraine and hand it over to a Russian puppet? Larry dismissed the idea out of hand.

VOICE: What else was discussed at that meeting?

JIM: Larry briefed Kostya on the campaign: its messaging, its internal polling data, its strategy in the battleground states of Michigan, Wisconsin, Pennsylvania, and Minnesota.

VOICE: Wait a minute! He shared this information with someone who had just come back from talks at the highest levels in Moscow?

JIM: Yes.

VOICE: And what did Andreiko do with this information?

JIM: I don't know.

VOICE: You don't think he brought it back to Moscow? You don't think that what Andreiko learned from Sawchuk allowed the Russian social media campaign to target those battleground states, knowing the message that the Reiter campaign was going to use?

JIM: I don't know. I'd like to be able to tell you, but I honestly don't know what Kostya did with the information he received from Larry. All I can tell you is what Larry told him. Nothing more.

VOICE: What else was discussed at the meeting?

JIM: Larry's issues. He wanted to know whether Sasha was ready to drop his lawsuit and how soon he would get the \$2 million he was owed from Yanukovych's allies in Ukraine.

VOICE: And was he satisfied with the answers he got?

JIM: I don't know. The suit was not dropped. Larry left the campaign officially about two weeks after the meeting due to bad publicity about his pro-Russian activities in Ukraine, though he continued to give various people involved in the campaign advice. And after the election he did, as he had planned, monetize his relations with the new administration, taking on a raft of clients interested in using his influence. The Donbas peace plan came up again, with Yanukovych again proposed as prime minister for the break-away republic, and this time Larry got on board. All that was needed, he was told, was a wink from President-elect Reiter and the plan could go forward. But Larry wanted to know first whether Sasha's lawsuit would be dropped before the inauguration on January 20th.

VOICE: Did Mr. Sawchuk ever discuss the peace plan with President Reiter?

JIM: Not to my knowledge.

VOICE: Did President Reiter ever hear of the peace plan while a candidate or President-Elect?

JIM: Not to my knowledge.

VOICE: Did Candidate Reiter or anyone else connected to the Reiter campaign know that their campaign chairman was sharing campaign data, messaging, and strategies with the Russians and pro-Russian Ukrainians?

JIM: Not to my knowledge. Look. I'm sorry. All I know is what I know. I have no idea whether Kostya ever communicated what Larry told him to Russian intelligence, or to people with any connection to Russian intelligence, or whether the information was ever used in any way. I have no idea whether any of the things Larry did was ever coordinated with the campaign. All I know is that Larry was interested in being paid \$2 million for his past work for Yanukovych and in getting Sasha's lawsuit dropped. That was his motivation for sharing the information with Sasha and the Ukrainians through Kostya. Selling the campaign's information for personal gain. More than that I do not know.

DARK

Scene 4: The Interrogation Room. As before, except that HAMILTON FRASER, a rather seedy-looking sort around 60, dressed in a tweed jacket and polo shirt, is the one seated at the other end of the table.

VOICE: What was your relationship to the Reiter campaign?

HAMILTON: I was an unpaid advisor.

VOICE: *(A bit exasperated)* Nobody got paid who worked for the campaign?

HAMILTON: Nobody who was anybody.

VOICE: What was your relationship to Julian Assange and Wikileaks?

HAMILTON: I had none.

VOICE: But Herbert Kantor testified that you told him that you had made a connection to Assange, and that you knew Wikileaks would be releasing emails hacked from the computer of Dan Goforth, Karen Selig's campaign manager, before Election Day.

HAMILTON: That's what Herbert Kantor said. Not me.

VOICE: Did you or did you not tell Herbert Kantor that the emails would be damaging to Karen Selig, and that after they were released, "We would be in the driver's seat"?

HAMILTON: I might have said something like that.

VOICE: Did you or did you not?

HAMILTON: I don't remember.

VOICE: Do you remember telling anyone from radio station WND about the release of the *Access Hollywood* tapes?

HAMILTON: Jog my memory.

VOICE: It was on a conference call with representatives of WND. October 7, 2016, the day news of the *Access Hollywood* tapes broke. One hour later, Wikileaks released the emails hacked from Dan Goforth's computer.

HAMILTON: That was kind of convenient, wasn't it.

VOICE: What did you tell them about the tapes and the emails?

HAMILTON: Well, it would have been clever to tell them about the tapes and then suggest that they get in touch with Assange about releasing the Goforth emails right after. But I don't remember doing that.

VOICE: You don't remember?

HAMILTON: (*smiling*) I'm afraid I don't remember.

DARK

Scene 5: The Interrogation Room. As before, except that FRED REITER, in the same suit and tie as earlier, is once again the one seated at the other end of the table.

VOICE: This time we'd like to go over your interaction with Wikileaks.

FRED; What interaction with Wikileaks?

VOICE: You tell me.

FRED: Did I have any interaction with Wikileaks?

VOICE: You don't remember getting a direct Twitter message from Wikileaks about an anti-Reiter website together with the password for getting into it?

FRED: Oh, that. So?

VOICE: And you emailed senior staff of the Reiter campaign with the information Wikileaks sent you?

FRED: Sure. Why wouldn't I alert the campaign about an anti-Reiter website?

VOICE: The point is that you interacted with Wikileaks.

FRED: OK. I interacted with Wikileaks.

VOICE: And then you got a request from Wikileaks.

FRED: What kind of request?

VOICE: Asking for help in disseminating a link alleging that Karen Selig wanted a drone to target Julian Assange. Do you remember that one?

FRED: Yes.

VOICE: And what did you reply?

FRED: That I had already disseminated the link. Which I had.

VOICE: And what else did you reply?

FRED: You're the one answering most of the questions here. What else did I reply?

VOICE: You asked what was behind this Wednesday leak you had been hearing about.

FRED: So?

VOICE: What leak were you referring to?

FRED: I don't remember. Anyway, Wikileaks never answered.

VOICE: They wrote again nine days later, didn't they?

FRED: I don't remember. Did they?

VOICE: Yes. They said it was great to see you and your dad talking about their publications. And they suggested that your dad tweet a link, which they gave you, that would make it easier for people to dig through the leaked emails. And said that they had just leaked the fourth batch of Goforth emails.

FRED: Yeah, a couple of days later I tweeted that link, not my father. Was that a crime?

VOICE: No, that was not a crime.

FRED: So what are we talking about here?

VOICE: We're talking about your interactions with Wikileaks, the organization that Russia used to disseminate hacked emails in order to sway the Presidential election towards your father.

FRED: So? I interacted with Wikileaks. Dad and I loved Wikileaks. We welcomed their help. We were overjoyed that they were putting the awful truth about Karen Selig out on public display. Was that a crime?

VOICE: What the Russians were doing was criminal. What Wikileaks was doing was criminal.

FRED: We didn't instigate it, and we didn't conspire or collude with it. There was only that one sarcastic statement by my father, when he wished that Russian intelligence would find the 30,000 emails that had disappeared from Selig's server. But he wasn't being serious. It was a joke. And, of course, Russia never did it. So where's the crime here? My crime? The campaign's crime? My father's crime? Where is it?

DARK

ACT II

EVIDENCE OF OBSTRUCTION OF JUSTICE

Scene 1: The Interrogation Room. As before, except that JACKLYN HOLMES, young, attractive, nicely made up and dressed in a ladies' business suit, is the one seated at the other end of the table.

VOICE: When did you first hear about the meeting on June 9, 2016, between members of the Reiter campaign and Marina Poplovsky ?

JACKLYN: About a year later, in June of 2017.

VOICE: And what was your position in the White House at that time?

JACKLYN: Communications Advisor.

VOICE: And how did you hear about the meeting?

JACKLYN: The Senate Intelligence Committee had asked for records of any meetings between the Reiter campaign and either the Russian government or individuals affiliated with the Russian government between June 16, 2015, and 12:00 PM on January 20, 2017. That was when President Reiter took the oath of office.

VOICE: And?

JACKLYN: Well, in preparing those records the Reiter Organization attorneys learned about the meeting and provided the emails that had preceded it to the White House counsel, who provided copies to the communications staff. We immediately saw how bad all that looked and advised the White House –

VOICE: You mean President Reiter?

JACKLYN: Not at first. First we talked to Isaac and Maryann and told them that the emails would inevitably be leaked, so it would look better if we were proactive about it and provided them to the press ourselves. Of course we would provide the immediate spin that the meeting itself was totally innocuous, that there was no incriminating information provided and no coordination, then or later, between the Reiter campaign and the Russians.

VOICE: And what did Isaac and Maryann say?

JACKLYN: They set up a meeting with the President, to which we were invited. Isaac came in with a folder containing copies of the emails that had preceded the June 9th meeting and tried to show them to his father-in-law, but his father-in-law put up a hand to stop him and said that he did not want to know about it.

VOICE: But you said *you* advised the White House.

JACKLYN: Yes. The next day I met with the President privately and said that the emails looked really bad, that they soon would have to be shared with Congress, and that the best PR practice was always to get out in front of something like that rather than have it leak. But the President said that if only a few people had access to the emails, they wouldn't leak. So the next day we all – that is Isaac, Maryann, my colleague Sam, and I – went again to the President, and Isaac argued that even though the meeting itself was nothing, the emails would be a massive story, and

a coverup would make us look even worse. I suggested that Fred could reveal them at a softball interview we set up, but the President asked Isaac when the documents had to be shared with Congress, and Isaac said in a few weeks. So the President said let's not do anything right now.

Naturally, what do you know, when the bunch of us went to the G20 summit in Hamburg the next week, we learned that the NY Times was working on the story. The President finally asked me what the meeting was about, and I told him it was about Russian adoption. So he said, "Just say that." But then, on the flight home, we got a copy of the release Fred wanted to give to the media, which said that the invitation to the meeting offered some unspecified dirt on Karen Selig. But he –

VOICE: You mean the President.

JACKLYN: Yes, the President. He dictated the message that he wanted Fred to release to the press, which said simply that the meeting was about an adoption program for Russian babies that the Russians had ended, and it had nothing to do with the campaign. I sent the message to Fred and told him that it would be attributed to him, and he sent back a message requesting that the word "primarily" be added so that the meeting would be primarily about Russian adoption, not only about Russian adoption. I messaged him that the "boss man" wasn't happy about that because the word "primarily" would invite questions. But we finally deferred to Fred's attorneys, and the word "primarily" was left in.

VOICE: But nothing was put in the press release about the invitation to the meeting or promised dirt on Selig or anything like that.

JACKLYN: No, no. Against my advice, of course. And as it turned out, I was right. The content of the emails was leaked and we looked bad, although the President vociferously denied – still denies – that he had anything to do with the statement that was put out to the press about it. But he gets away with it. Nine times out of ten – maybe ten times out of ten – he just lies enough times and the lie eventually either dies or becomes the truth. But there's nothing criminal about dictating a false statement to the press, is there? No crime was committed, there was no government investigation to be obstructed, nothing happened at the meeting. I don't know why this is even coming up in your investigation, why you are making such a big deal of it.

VOICE: If the Russians had shared dirt about Mrs. Selig directly with the campaign --

JACKLYN: But they didn't.

VOICE: No, they didn't. Lucky for Fred and the President, wasn't it?

DARK

Scene 2: *The Interrogation Room. As before, except that CLAY MINDIN, a small, fine-boned man in his late sixties dressed in a business suit and tie, is the one seated at the other end of the table.*

VOICE: Let's start with the firing of Michael Healy as head of the FBI. We're particularly interested in President Reiter's motivation for doing this –

CLAY: You mean, was this an obstruction of justice kind of thing.

VOICE: Yes.

CLAY: Well, let's take a look at it. The President asked me to write a letter and my assistant, Mel Rubin, to write a supporting memo recommending the firing of Healy, like it was our idea. And to give him reasons, like Healy's mishandling of the Selig investigation. So we did that. Not that anything we wrote was not true, understand. I had been for firing Healy for a while, so I had no problem with recommending it. What was untrue was that the impetus to do this came from Mel and me. That was a lie. Healy was fired at the instigation of the President.

Naturally, when the press picked up the story, all hell broke loose because it looked like the President was firing the person who was investigating him. So the President asked Mel if it was all right if the White House put out a statement saying that firing Healy was Mel's idea. And Mel said absolutely not, he was not going to participate in putting out a false story. So the President asked him if he would do a press conference, and he said he didn't think so because if a reporter asked him whose idea it was to fire Healy, he would tell the truth. So that was that.

VOICE: Then why did the President fire Healy?

CLAY: Do you want my speculation about that? Because I heard him give a number of reasons, and I couldn't say for sure which was the main one or the real one and which were just lies. Though one, that he was following mine and Mel's recommendations, that one that I know was a lie.

VOICE: Your speculation, then.

CLAY: I think the main one was that Healy refused to say publicly that the President was not a subject of the investigation. He told the President three separate times privately that he was not a subject because he was not a subject *yet*. That's the way investigations go. You start with the little fry and work your way up to the big fry. Whether the President would ever be a subject of the investigation was something Healy couldn't possibly know, which was why he refused to say publicly that he wasn't. But Reiter was furious with him for not saying it. And furious with me, too, because I wouldn't say it. "You left me on an island!" he complained to me, angry that I had recused myself from the investigation because I was a prominent member of the campaign that was being investigated. So I believe that was reason number one.

VOICE: Did the President ever say or do anything to indicate that he fired Healy to impede the investigation?

CLAY: No. Not to me, at any rate. To the Russians, the Ambassador and the Foreign Minister, at a meeting in the Oval Office he said that firing Healy had taken the pressure of the Russian investigation off him, which sounds like a pretty incriminating reason. But was that the reason? I don't know. People do things for multiple reasons. Later he said that he had done it because he wanted the investigation to be done properly. So I'm not ready to say that he fired Healy in order to impede the investigation.

VOICE: Let's move on to his attacks on the Special Counsel.

CLAY: Now that's a different story. He was furious with me about that. He blamed me for the appointment of a Special Counsel in the first place. He said that appointing me Attorney General was the worst mistake he ever made because I had recused myself from all matters relating to the investigation and left the appointment and oversight of a Special Counsel to Mel. Unfortunately, I was the one who had to tell him that a Special Counsel had been appointed. We were at a meeting at the White House when I stepped out to take a phone call from Mel. When I stepped back into the office to tell the President that a Special Counsel had been appointed, he slumped back in his chair and said, "This is terrible. This is the end of my Presidency. I'm fucked." And then he let me have it, saying that I was supposed to protect him, that I had let him down, and he asked me for my resignation.

VOICE: When the President used that expletive, do you think he meant that he had done something criminal that the Special Counsel was likely to uncover?

CLAY: No, I don't think so. Because then he went on to say that everyone tells him that Special Counsels' investigations go on for years and years and can ruin a presidency. "I won't be able to do anything," was his main complaint. Not that he had something to hide that the Special Counsel was likely to uncover, but that the investigation would be a cloud over his presidency.

VOICE: And did you resign?

CLAY: Yes, I did. I handed the President my letter of resignation the next day.

VOICE: And what did he do with it?

CLAY: He stuck it in his pocket. And then he asked me whether I wanted to stay on as Attorney General, and I told him I did.

VOICE: Did he hand the letter back to you?

CLAY: No. Two of his closest aides told me that they thought the President wanted to use it as a “shock collar” to make sure I did what he wanted me to do. He wanted to have the Department of Justice by the throat. They told me they would try to persuade the President to return the letter. And I guess they were successful because several days later I got the letter back with the notation NOT ACCEPTED in the President’s hand.

VOICE: But that was not his only attack on you.

CLAY: No, no. He was furious with me for recusing myself every time the Special Counsel did something he didn’t like. And he tried several times to get me to unrecuse myself. But I kept on refusing.

VOICE: Do you know of any other attempts the President made to impede the investigation?

CLAY: Well, every time he tried to get me to unrecuse myself could be interpreted as an attempt to obstruct justice. But he made a more direct attempt when he sent me a message that for a number of reasons I never received.

VOICE: When was this?

CLAY: This was after it became known that the Special Counsel was in fact investigating the President’s motives for firing Healy. The President’s worst fears were realized -- he was under criminal investigation for obstructing justice. So his predictable reaction was to attempt to obstruct justice.

VOICE: In what way?

CLAY: You have to understand that I never got the message, so this is something I heard about later and never witnessed myself.

VOICE: Understood.

CLAY: The President met with his former campaign manager, Peter Cranford, alone in the Oval Office and dictated a message that he wanted Cranford to give me. The message directed me to give a speech in which I would say that although I had recused myself from any matters relating to the Special Counsel’s investigation, I thought that the President had been treated very unfairly. That he doesn’t deserve a Special Counsel because I was close by him for nine months, and I know for a fact, because I was there, that there were no Russians involved in the campaign. That he didn’t do anything wrong. That he did nothing except run the greatest campaign in American history. And further, that I planned to meet with the Special Counsel to explain that a group of people were trying to subvert the U.S. Constitution, and that this was very unfair. And that I would allow the Special Counsel move forward with investigating election meddling in *future* elections only, so that nothing bad could happen in a future election.

VOICE: And why didn't you ever get this message?

CLAY: First of all, let me make it clear that I would never, never have even considered doing what the President ordered me to do. Nor would have anyone in my office. It would clearly have been an obstruction of justice. Just dictating that message was an attempt to obstruct justice. And had I ordered the Special Counsel to limit his investigation to future elections, under orders from someone who was at that moment under investigation, I would have been an accessory to that crime. If the President had insisted I do such a thing, I would have resigned immediately, and I dare say that all of the people under me, all of my possible immediate successors, would have done the same.

VOICE: But why didn't you get the message?

CLAY: Well, first, because Cranford and I were never able to meet. He called me to come over to his office the following evening, he said to avoid a log of his visit if he came over to see me. Never said what the topic of the meeting would be. But then I had to cancel, and the day after that Cranford had to leave Washington, so we never got together. But the second reason I never got the message was that Cranford then decided to give it to Carl Ford to deliver to me. Carl was an old friend of mine, so for whatever reason, most probably cowardice, Cranford thought the message might go down easier coming from him. Well, when Carl saw what was in the message, he just deep-sixed it. He was never going to deliver such a thing, not to me, not to anyone. And when Cranford, under pressure from President Reiter, asked him whether he had in fact delivered it, he just said the thing had been handled. And that was the end of it.

VOICE: So if you never got the message, did the President obstruct justice?

CLAY: He definitely tried to. But did he? Is there such a crime as attempted obstruction of justice?

DARK

Scene 3: The Interrogation Room. As before, except that FOSTER CLARK, a man in his early fifties dressed in a business suit and tie, is the one seated at the other end of the table.

VOICE: What was your job at the White House?

FOSTER: I was White House Counsel.

VOICE: And what was your function there?

FOSTER: I gave legal advice to the President. But let me be clear: I was the White House counsel, not the President's counsel. He had his own personal attorneys who gave him legal

advice pertaining to his personal interest. I gave him legal advice pertaining to the nation's interest.

VOICE: So there was no lawyer-client privilege involved.

FOSTER: That's right. No lawyer-client privilege. My client was the nation.

VOICE: Did the President ever ask you to fire the Special Counsel?

FOSTER: The Special Counsel didn't work for me. He asked me to ask the Justice Department, specifically Mel Rubin, who had jurisdiction over the investigation, to remove the Special Counsel.

VOICE: Did he say why he thought the Special Counsel should be removed?

FOSTER: He said that the Special Counsel had three unacceptable conflicts of interest: First, that he gave up his membership in the Reiter National Golf Club over some supposed dispute over fees. Second, that he interviewed for the job to replace Healy as FBI Director the day before he was picked to be Special Counsel. And, third, that he once worked for a law firm that represented Isaac Goldfarb, the President's son-in-law.

VOICE: What did you tell him?

FOSTER: That I wouldn't do it. The conflicts of interest the President brought up are essentially laughable, stuff no lawyer, forget about a judge, would have the patience even to listen to. Just the third one would give one pause, providing the Special Counsel had actually represented Goldfarb or had anything to do with him or his legal issues. But he hadn't. And besides, that possible conflict had been dealt with at Justice before the Special Counsel was appointed. It was clear to me that the President was just making up reasons and wanted the Special Counsel removed in order to impede the investigation, which is an obstruction of justice. He was asking me to be an accessory to his criminal behavior, and I refused.

VOICE: Did you threaten to resign?

FOSTER: No, I didn't. The story that was leaked to the NY Times said that I had, but that was an error. Nor did the President, as the story alleged, use the word "fire." But the rest of the story was true. He did ask me to ask Mel Rubin to remove the Special Counsel.

VOICE: What did he do when you refused to carry out his orders?

FOSTER: Nothing. I walked out of his office and didn't hear a word about it again. That is, until the story appeared in the Times about a year later.

VOICE: And what happened then?

FOSTER: The President asked me to put out a statement denying that I had been asked to fire the Special Counsel and had threatened to quit in protest.

VOICE: And what did you do?

FOSTER: I refused. I told the President that I thought the story was mostly accurate, that he had in fact asked me to ask Mel Rubin to remove the Special Counsel, and that I would not put out a statement denying its accuracy. Oh, was he angry! After I left, he told Sam Darcy, the White House staff secretary, that the Times article was bullshit and he never sought to terminate the Special Counsel. Then he said that I had leaked the information to the Times to make myself look good. He told Sam to order me to create a written record for the file that would prove that he never directed me to fire the Special Counsel. He called me a lying bastard and said that if I didn't write the letter, he might have to get rid of me.

So Sam comes over and tells me all this, and I refuse to write the letter. I tell Sam that the Times story was substantially true, except that although I intended to resign rather than carry out the President's order, I didn't actually threaten to. And that the President actually used the word "remove" rather than the word "fire." And Sam goes back to the President and tells him all that, and the next day I'm summoned to a meeting with the President and all hell breaks loose.

"I never said to fire Miller!" the President yelled. "I never used the word 'fire'! This doesn't look good! You need to correct this! You're the White House Counsel!" I tried to explain that, yes, I never threatened to resign, but that the main thrust of the story was true, that he did, in fact, direct me to ask Mel to remove the Special Counsel, and that therefore I was not going to deny a true story. "Did I say the word 'fire'?" he asked me. "What you said," I answered, "was 'Call Mel Rubin and tell him that Miller has conflicts and can't be Special Counsel.'" So the President says, "I never said that. I just wanted you to raise the conflicts issue with Mel and let him decide what to do." "No," I insisted. "You told me to call Mel and tell him that there are conflicts, and that Miller has to go."

He asked me again to deny the story, and again I refused. "What about those notes?" the President asked, pointing to my legal pad. "Why do you take notes? Lawyers don't take notes. I never had a lawyer who took notes." So I said that I took notes because I was a real lawyer and explained that notes create a record, which is not a bad thing. "I've had a lot of great lawyers," the President answered, "like Roy Cohn. He did not take notes."

And so the volcano settled down. Following the meeting, the President's lawyer sent a note to my lawyer that said that the President was fine with me. That was the end of it. Did the President really believe that he had asked me to do nothing more than raise the conflicts issue with Mel? Perhaps. Sometimes, congenital liars have a tendency to believe their own lies. Did the President forget that he inflated supposed conflicts of interest to justify getting rid of the investigation?

Had he convinced himself that the conflicts were really serious enough to get rid of Miller? I don't know.

VOICE: We'll be the ones to grapple with those questions. Do you have anything to add to your testimony?

FOSTER: No. I think that's it.

VOICE: Then we thank you for your time. We will take it from here.

DARK

Scene 4: The Interrogation Room. Seated at the end of the table is KEN MILLER, a tall, lean man with a lined face dressed in a dark business suit and conservative tie. CHARLENE PALERMO, a.k.a. the VOICE, a woman in her forties dressed in a ladies' business suit, is seated to his left.

KEN: So. What do we do with this? What do we make of it?

CHARLENE: On collusion?

KEN: Let's call it conspiracy. There's no crime called collusion.

CHARLENE: A crime by any other name ...

KEN: Yes, would smell as bad. But to prove conspiracy, we have to prove some kind of coordination among Russians, Wikileaks, and the Reiter campaign.

CHARLENE: Oh, you mean like spreading the rumor, at the request of Wikileaks, that Karen Selig wanted to take out Julian Assange with a drone? That's a good one! Or disseminating a link, again at the request of Wikileaks, that would make it easier to dig through the pile of stolen Goforth emails? Hmmm. How about giving the Russians the campaign's internal polling data and strategies, and identifying the states where Russia's social media trolls can wreak the most havoc? Oh, and let Wikileaks know that the *Access Hollywood* tapes are about burst into virality, and then ask them pretty please to dump the Goforth emails an hour later, just optimally when they can bury the pornographic news. How's that for collusion, coordination, conspiracy, whatever?

KEN: As I said, we have to prove all that beyond a reasonable doubt. Now letting Wikileaks know the optimal time to dump the Goforth emails is definitely conspiracy. You couldn't ask for a better illustration. But *you* interviewed Hamilton Fraser. He said this happened and that happened, and then he said couldn't remember what happened. And none of it could be

corroborated. The folks at WDN Radio said they knew nothing about it. There is not one single piece of evidence that any of it ever happened.

CHARLENE: Except that the Wikileaks dump occurred just an hour after the *Access Hollywood* tapes hit the airwaves. Coincidence? I don't think so.

KEN: But can you prove it's not? Or that Wikileaks didn't decide on its own that this was the optimal time for a dump? And can you prove that someone in the Reiter campaign coordinated it?

CHARLENE: Obviously, it was Hamilton Fraser.

KEN: Yes, but can you prove it? And the sharing of the campaign polling data and strategies for winning. There's another textbook case of conspiracy. But between who and whom? Was it the Reiter campaign conspiring with the Russians? Or was it just Larry Sawchuk selling inside information in return for \$2 million in back consultant fees and getting rid of a troublesome lawsuit? Did anyone in the campaign other than Sawchuk and Sumner know what was going on? Did the internal campaign data ever get to the Russians? If so, did they even want it or use it? You can't bring an indictment just because you know a crime has been committed. You have to prove that it was a crime and who did it.

CHARLENE: Well, what about the stuff that Fred Reiter did? He admitted proudly, gleefully, to all of it.

KEN: But it was all petty stuff. One ridiculous rumor. One link. That was it. That was all of it. Not enough to build a conspiracy on.

CHARLENE: What about the meeting with Poplovsky? That wasn't petty.

KEN: No, it wasn't. But it also wasn't real. If Poplovsky had brought the dirt on Selig she promised, you could come up with a number of crimes, including campaign contribution violations. But she didn't. So you can't.

CHARLENE: That's frustrating!

KEN: No kidding!

CHARLENE: So what are you going to do?

KEN: I'm going to say that the investigation could not find enough evidence to establish that the Reiter campaign coordinated or conspired with the Russian government to sway the election to Reiter.

CHARLENE: We found plenty of evidence!

KEN: Yes. We did. Evidence of links between campaign associates and the Russians and Wikileaks. Evidence that the Reiter campaign knew of and welcomed enthusiastically the criminal assistance of both. But not enough evidence to prove criminal conspiracy in a court of law.

CHARLENE: So what about obstruction? Now that there's no crime, can there be obstruction?

KEN: You don't need a crime. All you need is an investigation.

CHARLENE: So someone can obstruct justice to impede an investigation into obstructing justice?

KEN: Yes. In fact, in this case, I think that's exactly what happened.

CHARLENE: That's ridiculous!

KEN: Yes, it is ridiculous. I believe that President Reiter obstructed justice in an attempt to get away with obstructing justice. But it gets even more complicated.

CHARLENE: How is it more complicated?

KEN: Well, in the instances where his intent is clearest, like when he wanted Clay to tell Mel to remove me, or when he insisted that Foster deny the story that he told Foster to fire me, his attempts to obstruct justice failed. It's like when you shoot someone who doesn't die, you're not guilty of murder. You're guilty of attempted murder. Well, President Reiter only attempted to tell Mel to fire me, first through Clay and then through Foster. But in both cases, the message was never delivered. So I guess you might say that President Reiter is guilty of attempted obstruction of justice. Though I'm not sure that's an indictable crime.

CHARLENE: Attempted obstruction of justice.

KEN: Yes, attempted obstruction of justice. Isn't it wonderful? No one around the President would allow him to obstruct justice. Not Clay, not Carl Ford, not Foster. None of his attempts to impede the investigation succeeded. Even when he succeeded in firing Healy, he couldn't get away with pinning the firing on Mel. Mel refused to take the blame.

CHARLENE: So what can you charge him with?

KEN: I can't charge him with anything. He's the President.

CHARLENE: Oh, of course. The President can't be indicted.

KEN: That's the Justice Department's interpretation of the law. The remedy for Presidential misconduct is not in a court of law. The remedy lies with Congress. It's up to Congress to indict, or impeach, a President. And it's up to the Senate to try him. Whether his pathetic attempts to obstruct our investigation are impeachable offenses is not for us to say. Ultimately, it's for the American people through their representatives to decide.

CHARLENE and KEN: (*Getting up together, holding hands, and walking up the stage right side of the table to the edge of the audience.*) We have here, in this play, simply laid the evidence before you. What do you think? What do you want your representatives to do? They are the judge and jury. It's up to you to let them know.

DARK

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By Nicholas Gordon