

Trump has denied 'collusion' with Russia. But is that the real issue?

Peter Grier

May 22, 2017

If there's a single word at the center of the FBI investigation into the Russian connection to the 2016 US election, it might be "collusion." It means secret or illegal cooperation, especially to cheat or deceive others.

That's what President Trump's fiercer critics think the Justice Department's newly appointed special counsel, former FBI chief Robert Mueller, will eventually unearth: proof of collusion between Mr. Trump and Moscow, probably about release of hacked Democratic Party emails. They see that leading to Trump's impeachment in the House and removal from office by the Senate.

Collusion is also the particular offense that Trump often heatedly denies. "The entire thing has been a witch hunt. There is no collusion," he said last week at a joint press conference with the Colombian president, though he added he was only speaking for himself.

But it might be a mistake to treat collusion as the alpha question, the most crucial issue for the FBI to probe and the public to learn. That could set up an unrealistic binary test in regards to Trump campaign culpability. It could deflect attention away from Russia's larger (and troubling) meddling with US politics and the alleged lower-level offenses of Trump campaign officials and hangers-on.

"That is important stuff for the public to be aware of even if it absolves the campaign staff of 'knowing collusion,'" says Julian Sanchez, a senior fellow at the Cato Institute who studies national security and intelligence surveillance, in an email interview.

Of course, it would be a shocking, paradigm-altering event if it turned out that Trump, or someone associated with him, had met with Russians prior to last November's vote and authorized or encouraged the hacking of Democratic accounts. Serious consequences would undoubtedly ensue.

No evidence yet

But Trump is right that so far there's no public evidence that happened. Even serious Trump critics say that's the case. Sen. Lindsey Graham (R) of South Carolina, who's often critical of the president, said in a Fox News appearance last week, "There is no evidence of collusion between the Trump campaign and the Russians as of this date." Sen. Dianne Feinstein (D) of California said the same thing in an interview with CNN's Wolf Blitzer. "There are newspaper stories, but that's not the same thing as evidence," she said.

If any such evidence existed, surely it would have been leaked by now, writes Jim Geraghty in the conservative National Review. Trump's opponents in the intelligence community or buried in other parts of the government had every incentive to leak such info prior to the election, or around Inauguration Day, to maximize its effects. But they haven't.

Democrats have pumped up their base to believe that revelations proving collusion will appear and impeachment will then magically remove a president they view in apocalyptic terms, writes Geraghty. But what if this scenario does not actually appear?

“Are any Democratic lawmakers starting to fear that they're not going to find that evidence?” he writes.

Some Democrats are indeed talking about a future where the Russia investigations produce a relatively inconclusive outcome. David Axelrod, former chief political strategist for Barack Obama as a candidate and president, tweeted last week that one possible “storyline” for the Russia inquiries is that the appointment of Mr. Mueller mutes the House and Senate probes into the situation. Mueller, lacking evidence, indicts no one for collusion.

Trump would then claim vindication. “Not a remote scenario,” according to Axelrod.

A string of concerns

The problem is, there are many implications of the Russia investigations that may not touch on collusion but are nonetheless of the highest gravity, according to some analysts. They shouldn't be diminished or swept aside.

The first is that Russia's meddling occurred at all. Remember, the US intelligence community has reached a consensus that the government of Vladimir Putin interfered in the US vote with various means, from hacking to promotion of fake news. That's a big deal and a huge national security problem.

Second is the possibility of obstruction of justice. Obstruction of justice is what brought down Richard Nixon. He tried to get the CIA to tell the FBI to stop investigating the burglary at Democratic National Committee headquarters in the Watergate building. Proof of that was the “smoking gun” tape that turned congressional and public opinion against him.

Obstruction is a difficult crime to prove. It involves intent as well as actions. But Trump's firing of FBI Director Comey, combined with his statements on the subject, have increased attention on this issue. Fueling the talk on Friday was a New York Times reported that Trump told Russia's foreign minister, in a May 10 White House meeting, that “I faced great pressure because of Russia. That's taken off [by the Comey firing].”

Third, focusing on evidence of collusion that has not appeared shouldn't distract voters from things that are already known, according to the president's critics.

Some of Trump's former associates, such as former campaign chief Paul Manafort and former National Security Advisor Michael Flynn, are in deep legal trouble due to their connections, financial and otherwise, with foreign governments. On Monday, associates of the retired Lieutenant General Flynn revealed he would not comply with a Senate subpoena for documents and would invoke his Fifth Amendment rights against self-incrimination to avoid testimony.

Follow-on questions are what, if anything, Flynn's troubles may say about the White House as a whole. For instance, are Trump's positions on Russia influenced by his own family business activities involving that nation?

Tacit collusion, out in public?

Finally, there's the evidence of what some call Trump's tacit public collusion with the Russians.

"Trump does a lot out in the open," says Chris Edelson, as assistant professor of government at American University in Washington.

During the campaign Trump publicly called on the Russians to hack Hillary Clinton's emails, Dr. Edelson notes. At the time he called it a joke. However, this was after the Russian government had already been associated with hacks of other Democratic accounts.

Numerous times on the campaign Trump said he loved Wikileaks or loved "reading those Wikileaks" after the group began publishing emails stolen from Clinton campaign chairman John Podesta.

This overt and public communication was perfectly legal. It may indeed have been a joke or just something that popped out of Trump's mouth. But it's also possible that Russia was listening and inferring from the comments that its strategy was working. As any reporter knows, jokes often have a bit of meaning hidden inside.

For all the above reasons, collusion isn't just a question of whether there's a smoking gun communication between a known Russian intelligence operative and a Trump insider. It shouldn't be the sole determinant of the seriousness of the FBI's investigation, says Edelson.

"People talk about it like it's either/or. It's way more complicated than that," he says.