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5 on 45: On the ethics of Donald Trump Jr.'s Russia meeting

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CONTRIBUTORS:

ADRIANNA PITA

NORM EISEN

Senior Fellow – Governance Studies

PITA: You're listening to 5 on 45 from the Brookings Podcast Network, analysis and commentary from Brookings experts on today's news regarding the Trump Administration.

EISEN: Hello everyone, this is Norm Eisen, senior fellow at Brookings and I'm here today to talk about whether Donald Trump Jr. broke the law. After this week's revelation of the emails between Donald Jr. and an intermediary setting up a meeting with a Russian lawyer, it seems clear that we've taken another step towards determining that laws were broken. However, we're still not ready to conclusively say whether they were or not. The issues that are raised by the e-mail chain stem from the representations that are made in the back and forth with Donald Trump Jr. that this information was to be presented at the meeting would be coming from someone who's described in those e-mails as a Russian government lawyer. And there is a very naked description also that the information and documents are coming from senior Russian government prosecutor and that the intent of the meeting is to help the Trump campaign and hurt the Hillary Clinton campaign and that this is part of a Russian government effort to aid Trump Don Jr's response. I love it. And those words there for everybody to see in the e-mail chain and other expressions of enthusiasm are what create the legal problems.

First there is an issue under United States campaign finance law because under our campaign finance statutes and it seems clear here that Don Jr. was acting for and with the campaign a campaign cannot solicit or accept contributions from a foreign government or even a foreign national. And here the information that was to be provided is of priceless value to. It was claimed help the Trump campaign and injure the Hillary Clinton campaign. So the e-mails make out a solicitation of foreign government campaign

support. That's a big no no. Now like all of these violations and this one by the way has serious penalties including possible criminal penalties like all of the violations I'm going to describe. We're not at the finish line yet. We don't know whether the special counsel who's investigating Trump Russia ties. Bob Mueller is going to find in the end of the day that there was a violation or not. But the fact that we have this e-mail chain we have information about it. We have Don Jr's shifting stories of the meeting. It brings us another step closer to a disposition of the matter. And certainly this is powerful evidence of the so-called collusion. There's no actual crime of collusion. Rather it describes a set of activities that can trigger different criminal laws. This e-mail is evidence of that talk of collusion. Brings me to the second major legal issue that was raised here and that's conspiracy. When you have an agreement to break the law you have a conspiracy and conspiracy is actionable under U.S. law and it can also bring in liability for other acts of the conspiracy. So if Russia understood this e-mail chain reasonably as an invitation to intervene in the campaign including through for example cyber-crimes or hacking you'd have a crime there too. There's a wide variety of other issues. One thing is for sure Donald Trump Jr. is in a lot more trouble today than he was before.

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