

“Even If He Did Do It, It Wouldn’t Be a Crime”: Rudy Giuliani on President Trump

Isaac Chotiner

The New Yorker, January 21, 2019

On Sunday, Rudy Giuliani, one of President Trump’s lawyers, made a startling admission to the *Times* and NBC’s “Meet the Press”: that Trump had been involved in discussions to build a Trump Tower Moscow throughout the 2016 campaign, contradicting Trump’s public statements and raising ever more serious questions about the President’s ties to Vladimir Putin. Giuliani told the *Times* that Trump had said the discussions were “going on from the day I announced to the day I won.”

Giuliani also said that Trump may have spoken to Michael Cohen, Trump’s former lawyer, before Cohen gave false testimony to Congress about the timing of the Moscow discussions, claiming that they had ended in January, 2016. When, in November, Cohen pleaded guilty to lying to Congress, he told prosecutors that they continued at least through June, 2016. Giuliani told the *Times* that Trump may have acknowledged these conversations in the written answers that he gave to the special counsel, Robert Mueller, late last year. “There was no question that he was asked by the special counsel a question that said, ‘Did you talk to him before he testified?’ ” Giuliani told the *Times*. The issue of whether Trump influenced Cohen’s false testimony was raised when [BuzzFeed reported](#), on Thursday night, that according to two federal law-enforcement officials, Trump directed Cohen to lie to Congress. In response, Mueller’s office issued a rare statement, saying that BuzzFeed’s descriptions of statements, documents, and testimony obtained by the office “[are not accurate](#).” (BuzzFeed has [stood by](#) its story.)

Later on Sunday, Giuliani walked back his statements about the timing of the Trump Tower Moscow discussions, saying that they were “hypothetical and not based on conversations I had with the President.” On Monday afternoon, I called Giuliani to try to understand what he was saying about the Moscow negotiations. After telling me that he had only a minute before getting into the shower, he agreed to a conversation, which has been edited and condensed for clarity. In it, we discussed what he told the *Times* about the Trump Tower Moscow project, his feelings about Mueller’s office, and if he ever worries about his legacy.

Where are we now with Trump and Cohen and the BuzzFeed story, and your response to it?

I guess the BuzzFeed story—I don’t remember what it said about Cohen—but it said there was corroboration that the President talked to Cohen and told him to lie about, I guess it was, the Moscow proposal. There are no tapes, there are no texts, there is no corroboration that the President told him to lie. That’s why the special counsel said that the story was inaccurate. First time the special counsel has ever done that. As a prosecutor, having done that for fifteen years, that is quite a heavy rebuke of BuzzFeed. And the reality is that the President never talked to him and told him to

lie. And I don't know what Cohen is saying, but certainly the idea that two federal agents said that there was corroboration is totally untrue.

Did President Trump's lawyers or you yourself reach out to the special counsel's office after the story, as has just been [reported](#)?

I can't discuss that. President Trump would not have done that. If anybody would have done it, obviously it would have been his lawyers, and I really can't discuss that. That would be confidential.

Do you—

But I can tell you, from the moment I read the story, I knew the story was false.

Because?

Because I have been through all the tapes, I have been through all the texts, I have been through all the e-mails, and I knew none existed. And then, basically, when the special counsel said that, just in case there are any others I might not know about, they probably went through others and found the same thing.

Wait, what tapes have you gone through?

I shouldn't have said tapes. They alleged there were texts and e-mails that corroborated that Cohen was saying the President told him to lie. There were no texts, there were no e-mails, and the President never told him to lie.

So, there were no tapes you listened to, though?

No tapes. Well, [I have listened to tapes](#), but none of them concern this.

The *Times* [reported](#) that President Trump was involved in discussions about building a skyscraper in Moscow during the campaign, and you acknowledged that, and then, more recently, you said that you didn't actually know this was the case.

Video From The New Yorker

First of all, the *Times* was absolutely wrong. Probably just as wrong as BuzzFeed was. I never said he had *[NARRATOR VOICE:]* "conversations about a skyscraper in Moscow." The only thing that ever happened was that they submitted a letter of intent about a possible project in Moscow that never went beyond that. No money was ever paid, no plans were ever made. There were no drafts. Nothing in the file. Nothing ever happened to it. Much ado about nothing, because the New York *Times* wants to crucify the President. And the President had no conversations.

I shouldn't say he had no conversations. He had a few conversations about this early-stage proposal that he ended somewhere in early 2016, and doesn't have a recollection of anything else, and there is nothing to support anything else. This is a story that is completely exaggerated and made up.

Did you talk to President Trump about that?

If I talked to President Trump about it, of course I can't tell you. I'm his lawyer. I can't tell you what I talked to my client about.

O.K., so how do you know this?

Well, you have to figure out how I know it. Right? I can't tell you what I talked to my client about.

O.K., I guess my question—maybe I phrased this badly—

No, no, no, you're right. They did say one thing yesterday, and another thing today. But what they are doing is misinterpreting what I said yesterday. I have said the same thing for two months. And that is that the President had very little involvement in this so-called project in Moscow.

You said today, "My recent statements about discussions during the 2016 campaign between Michael Cohen and then-candidate Donald Trump about a potential Trump Moscow 'project' were hypothetical and not based on conversations I had with the President."

Correct. I was pointing out how you would deal with it in court if we were going to trial, and how, even if there were such conversations, which there weren't, they would be completely innocent. Whenever you do that, you always run the risk someone is going to report just the first part of your conversation. But I thought it was necessary to do it. If he had a project in Moscow, there would be nothing wrong with it, but he didn't.

Wait, Mr. Mayor, if he had a project in Moscow that his attorney was discussing and he himself may have been involved in while he was calling for a loosening of sanctions against Russia and a different policy in Ukraine, and the American people didn't know anything about that, you wouldn't find that problematic?

First of all, the project was over in November, December, January, right into 2016. So there was no project. So there was no project. There was no project.

The *Times* reported yesterday, "President Trump was involved in discussions to build a skyscraper in Moscow throughout the entire 2016 presidential campaign . . ."

He's wrong! They're wrong!

“ . . . His personal lawyer said on Sunday.”

I didn't say that. Go find out where I said that on Sunday. I never said he was involved in such conversations. I said the same thing I said to you, which is—

The quote in the story from you is that the “ ‘discussions were going on from the day I announced to the day I won,’ Mr. Giuliani quoted Mr. Trump as saying during an interview with The New York Times.”

MORE FROM

[The New Yorker Interview](#)

[Looking at Anti-Semitism on the Left and the Right: An Interview with Deborah E. Lipstadt](#)

[Dream Hampton on “Surviving R. Kelly,” Sexual Abuse, and Race](#)

[How Journalism Survives: An Interview with Jill Abramson](#)

[The Surprisingly Complex Connection Between White Identity Politics and Explicit Racism](#)

[Have Aliens Found Us? A Harvard Astronomer on the Mysterious Interstellar Object ‘Oumuamua](#)

[How Governments React to Climate Change: An Interview with the Political Theorists Joel Wainwright and Geoff Mann](#)

I did not say that.

The *Times* just made that quote up?

I don't know if they made it up. What I was talking about was, if he had those conversations, they would not be criminal.

If he had them, but he didn't have them?

He didn't have the conversations. Lawyers argue in the alternative. If we went to court, we would say we don't have to prove whether it's true or not true, because, even if it's true, it's not criminal. And that's why Mueller will not charge him with it.

Does it matter to the American people if it's true? We are living in a democracy here. We want to know these things.

That's an insane question you just asked me. I am not saying that he did it. I just told you he didn't do it. I am telling you that their investigation is so ridiculous that, even if he did do it, it wouldn't be a crime. Now, would the American people be interested in it? Of course. There's a big difference between what the American people would be interested in and what's a crime. The American people can be interested in a lot of things people conceal that aren't crimes. I'm a criminal lawyer. I am not an ethicist. And I defend people against unfair criminal charges.

You are also—

No, I am not also anything else. My main obligation is to defend somebody, not to deal with philosophy. The *Times* deliberately misunderstood what I said. I started the conversation by telling them these conversations didn't take place. You can't turn that into "They did take place" when I say, hypothetically, "If they did take place, here are the legal ramifications of it." It is totally dishonest when you do it. If you want to do it, we can end the conversation.

I want to hear—

I just finished the conversation. You got it. You've got my position. Conversations didn't take place. If you say that I said they took place, you are lying. Now, if you want to discuss a hypothetical, if they took place, what are the legal ramifications of it, I went to law school to learn how to do that. But that isn't what I said. I don't know how to make it clearer, and I really don't have any more time.

Last thing, and then you can go shower. The President has called this a witch hunt. If that's the case, were you surprised the Mueller team said that the BuzzFeed story was flawed?

I think they had no choice but to do that. And I do think that, when they do something good, we should commend them, which I did immediately. And, when they do something bad, it is my job to point that out. And they did do something good. I don't think their whole team is a bunch of renegades. I think some are. I think they have some good people there. But, also, they were basically being victimized. The story said two federal agents gave this information out. The federal agents would have had to work for them.

It could have been people from the Southern District of New York office.

Kinda. It could have been, but everything pointed back to . . . BuzzFeed made it sound like it came out of the special counsel's office. I think they were angry on their own. It didn't take us to get them angry. I would have been angry.

You have been involved in politics for thirty, forty years? How long?

About that, yeah. I hate to remember it.

Just asking you this from one human being to another.

I'll answer it that way.

Saying things for Trump, not always being truthful about it—do you ever worry that this will be your legacy? Does that ever worry you in any way?

Absolutely. I am afraid it will be on my gravestone. "Rudy Giuliani: He lied for Trump." Somehow, I don't think that will be it. But, if it is, so what do I care? I'll be dead. I figure I can explain it to St. Peter. He will be on my side, because I am, so far . . . I don't think, as a lawyer, I ever said anything that's untruthful. I have a sense of ethics that is as high as anybody you can imagine. I've been doing this forever. I am doing what I believe in. I may not always be right, but I am doing what I believe. And I believe this man has been treated horribly. Including this BuzzFeed thing. And I think the whole reason they are misinterpreting what I said and a few other things is that they don't want to deal with the real ramifications of the BuzzFeed story, which is, how bad has our media become, that they can publish something like that about the President of the United States that is totally untrue and leads to one day of saying he should be impeached, by Democrats and Hollywood. And even the special counsel, who I think would like to nail them if they can, had to say, 'You are way off base and getting hysterical.' Somebody lied to BuzzFeed who pretended to be a federal agent, or BuzzFeed is lying. That's the big story of the last few days, not some revelation about when Trump talked to Cohen.

I felt like we were getting somewhere with that St. Peter thing, deep down.

Me?

When you brought up St. Peter. About you being dead and it won't matter and you can bring it up with St. Peter.

I was joking.

I know you were partially joking, but it felt like we were getting somewhere.

Getting somewhere where?

About you and your legacy and how you see yourself.

I don't think about my legacy. All I think about is doing a good job and what I believe in. When I was mayor, I got criticized for a lot of things I was praised for now. And, I think, when this is over, you are going to see that we are defending an innocent man who has been very unfairly treated. I can't think of a person who has been as unfairly treated as this, by both the media and, to some extent, the special counsel. Now, maybe he is near the end and is starting to rethink it. I hope.

The Central Park Five? Trying to think of other people treated badly.

O.K., unfairly?

Yeah.

O.K., time to go.

I would be remiss if I didn't let you say something for M.L.K. Day.

Oh, my goodness, yes, he was a great hero of mine. I believe he taught me, like he did all of us, how bad segregation was. Those of us in the North wouldn't have known that without him.