

Mueller Delivers Report on Trump-Russia Investigation to Attorney General

WASHINGTON — The special counsel, Robert S. Mueller III, has delivered a report on his inquiry into Russian interference in the 2016 election to Attorney General William P. Barr, according to the Justice Department, bringing to a close an investigation that has consumed the nation and cast a shadow over President Trump for nearly two years.

Mr. Barr told congressional leaders in a letter late Friday that he may brief them within days on the special counsel's findings. "I may be in a position to advise you of the special counsel's principal conclusions as soon as this weekend," he wrote in a letter to the leadership of the House and Senate Judiciary committees.

It is up to Mr. Barr how much of the report to share with Congress and, by extension, the American public. The House voted unanimously in March on a nonbinding resolution to make public the report's findings, an indication of the deep support within both parties to air whatever evidence prosecutors uncovered.

Mr. Barr wrote that he "remained committed to as much transparency as possible and I will keep you informed as to the status of my review." He also said that Justice Department officials never had to check Mr. Mueller because he proposed an inappropriate or unwarranted investigative step — an action that Mr. Barr would have been required to report to Congress under the regulations. His statement suggests that Mr. Mueller's inquiry proceeded without political interference.

The letter that William P. Barr, the attorney general, sent to Congress.



The Attorney General
Washington, D.C.

March 22, 2019

The Honorable Lindsey Graham
Chairman, Committee on the Judiciary
United States Senate
290 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Jerrold Nadler
Chairman, Committee on the Judiciary
United States House of Representatives
2132 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Dianne Feinstein
Ranking Member, Committee on the Judiciary
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Doug Collins
Ranking Member, Committee on the Judiciary
United States House of Representatives
1504 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Graham, Chairman Nadler, Ranking Member Feinstein, and Ranking Member Collins:


I write to notify you pursuant to 28 C.F.R. § 600.9(a)(3) that Special Counsel Robert S. Mueller III has concluded his investigation of Russian interference in the 2016 election and related matters. In addition to this notification, the Special Counsel regulations require that I provide you with "a description and explanation of instances (if any) in which the Attorney General" or acting Attorney General "concluded that a proposed action by a Special Counsel was so inappropriate or unwarranted under established Departmental practices that it should not be pursued." 28 C.F.R. § 600.9(a)(3). There were no such instances during the Special Counsel's investigation.

The Special Counsel has submitted to me today a "confidential report explaining the prosecution or declination decisions" he has reached, as required by 28 C.F.R. § 600.8(c). I am reviewing the report and anticipate that I may be in a position to advise you of the Special Counsel's principal conclusions as soon as this weekend.

Separately, I intend to consult with Deputy Attorney General Rosenstein and Special Counsel Mueller to determine what other information from the report can be released to Congress and the public consistent with the law, including the Special Counsel regulations, and the Department's long-standing practices and policies. I remain committed to as much transparency as possible, and I will keep you informed as to the status of my review.

Finally, the Special Counsel regulations provide that "the Attorney General may determine that public release of" this notification "would be in the public interest." 28 C.F.R. § 600.9(c). I have so determined, and I will disclose this letter to the public after delivering it to you.

Sincerely,


William P. Barr
Attorney General

Since Mr. Mueller's appointment in May 2017, his team has focused on how Russian operatives sought to sway the outcome of the 2016 presidential race and whether anyone tied to the Trump campaign, wittingly or unwittingly, cooperated with them. While the inquiry, started months earlier by the F.B.I., unearthed a far-ranging Russian influence operation, no public evidence has emerged that the president or his aides illegally assisted it.

Nonetheless, the damage to Mr. Trump and those in his circle has been extensive.

A half-dozen former Trump aides have been indicted or convicted of crimes, mostly for lying to federal investigators or Congress. Others remain under investigation in cases that Mr. Mueller's office handed off to federal prosecutors in New York and elsewhere. Dozens of Russian intelligence officers or citizens, along with three Russian companies, were charged in cases that are likely to languish in court because the defendants cannot be extradited to the United States.

Only a handful of law enforcement officials have seen the report, a Justice Department spokeswoman, Kerri Kupec, said. She said a few members of Mr. Mueller's team would remain to close down the office. Mr. Mueller will not recommend any new charges be filed, a senior Justice Department official said.

Mr. Barr told congressional leaders that he would decide what to release after consulting with Mr. Mueller and Rod J. Rosenstein, the deputy attorney general who has overseen the investigation from the start. A White House spokeswoman, Sarah Huckabee Sanders, said, "The next steps are up to Attorney General Barr, and we look forward to the process taking its course." She added that the White House had not seen or been briefed on the report, although officials were notified that Mr. Mueller had delivered it shortly before Congress was notified.

In a joint statement, House Speaker Nancy Pelosi of California and Senator Chuck Schumer of New York, the top Senate Democrat, warned Mr. Barr not to allow the White House a "sneak preview" of the report before the public views it. They said that he should both make the full report public and share Mr. Mueller's underlying evidence with Congress.

"The White House must not be allowed to interfere in decisions about what parts of those findings or evidence are made public," they said.

Even though Mr. Mueller's report is complete, some aspects of his inquiry remain active and may be overseen by the same prosecutors once they are reassigned to their old jobs within the Justice Department. For instance, recently filed court documents suggest that investigators are still examining why the former Trump campaign chairman Paul Manafort turned over campaign polling data in 2016 to a Russian associate whom prosecutors said was tied to Russian intelligence.

Mr. Mueller looked extensively at whether Mr. Trump obstructed justice to protect himself or his associates. But despite months of negotiations, prosecutors

were unable to personally interview the president.

Mr. Trump's lawyers insisted that he respond only to written questions from the special counsel. Even though under current Justice Department policy a sitting president cannot be indicted, Mr. Trump's lawyers worried that his responses in an oral interview could bring political repercussions, including impeachment, or put him in legal jeopardy once he is out of office.

Not since Watergate has a special prosecutor's inquiry so mesmerized the American public. Mr. Trump has helped make Mr. Mueller a household name, attacking his investigation an average of about twice a day as an unfair, politically motivated attempt to invalidate his election. He never forgave former Attorney General Jeff Sessions for recusing himself from the Russia inquiry, an action that cleared the way for his deputy, Mr. Rosenstein, to appoint Mr. Mueller.

[Make sense of the people, issues and ideas shaping American politics with our newsletter.]

Mr. Trump reiterated his attacks on the special counsel this week, saying Mr. Mueller decided "out of the blue" to write a report, ignoring that regulations require him to do so. But the president also said the report should be made public because of "tens of millions" of Americans would want to know what it contains.

"Let people see it," Mr. Trump said. "There was no collusion. There was no obstruction. There was no nothing."

In court, the evidence amassed by the Mueller team has held up. Every defendant who is not still awaiting trial either pleaded guilty or was convicted by a jury. Although no American has been charged with illegally plotting with the Russians to tilt the election, Mr. Mueller uncovered a web of lies by former Trump aides.

Five of them were found to have deceived federal investigators or Congress about their interactions with Russians during the campaign or the transition. They includes Mr. Manafort; Michael T. Flynn, the president's first national security adviser; and Michael D. Cohen, Mr. Trump's former lawyer and longtime fixer. A sixth former adviser, Roger J. Stone, Jr. is to stand trial in November on charges of lying to Congress.

Those who know Mr. Mueller, a former F.B.I. director, predicted a concise, legalistic report devoid of opinions — nothing like the 445-page treatise that Kenneth W. Starr, who investigated President Bill Clinton, produced in 1998. Operating under a now-defunct statute that governed independent counsels, Mr. Starr had far more leeway than Mr. Mueller to set his own investigative boundaries and to render judgments.

The regulations that govern Mr. Mueller, who is under the supervision of the Justice Department, only require him to explain his decisions to either seek or decline to seek criminal charges in a confidential report to the attorney general. The attorney general is then required to notify the leadership of the House and Senate judiciary committees.

During his Senate confirmation hearing, Mr. Barr promised to release as much information as possible, saying “the country needs a credible resolution of these issues.” But he may be reluctant to release the part of Mr. Mueller’s report that may be of most interest: who the special counsel declined to prosecute and why, especially if Mr. Trump is on that list.

The department’s longstanding practice, with rare exceptions, is not to identify people who were merely investigative targets in order to avoid unfairly tainting their reputations, especially because they would have no chance to defend themselves in a court of law. Mr. Rosenstein, who has overseen Mr. Mueller’s work and may have a say in what is released, is a firm believer in that principle.

In a May 2017 letter that the president seized upon as justification for his decision to fire James B. Comey as F.B.I. director, Mr. Rosenstein severely criticized Mr. Comey for announcing during the previous year that Hillary Clinton, then a presidential candidate, would not be charged with a crime for mishandling classified information as secretary of state. Releasing “derogatory information about the subject of a declined criminal investigation,” Mr. Rosenstein wrote, is “a textbook example of what federal prosecutors and agents are taught not to do.”

Weighing that principle against the public’s right to know is even more fraught in the president’s case. If Mr. Mueller declined to pursue criminal charges against Mr. Trump, he might have been guided not by lack of evidence, but by the Justice Department’s legal opinions that a sitting president cannot be indicted. The

department's Office of Legal Counsel has repeatedly advised that the stigma and burden of being under prosecution would damage the president's ability to lead.

Mr. Trump has said the decision about what to release it up to Mr. Barr. But behind the scenes, White House lawyers are preparing for the possibility they may need to argue some material is protected by executive privilege, especially if the report discusses whether the president's interactions with his top aides or legal advisers are evidence of obstruction of justice.

Representative Jerrold Nadler, Democrat of New York and the head of the House Judiciary Committee, has argued that the department's view that presidents are protected from prosecution makes it all the more important for the public to see Mr. Mueller's report.

"To maintain that a sitting president cannot be indicted, and then to withhold evidence of wrongdoing from Congress because the president cannot be charged, is to convert D.O.J. policy into the means for a cover-up," he said before the House approved its nonbinding resolution to disclose the special counsel's findings.

Some predict that any disclosures from Mr. Mueller's report will satisfy neither Mr. Trump's critics nor his defenders, especially given the public's high expectations for answers. A Washington Post-Schar School poll in February illustrated the sharp divide in public opinion: It found that of those surveyed, most Republicans did not believe evidence of crimes that Mr. Mueller's team had already proved in court, while most Democrats believed he had proved crimes that he had not even alleged.

Recent weeks have brought fresh signs that the special counsel's work was ending. Five prosecutors have left, reducing the team from 16 to 11. Mr. Mueller's office confirmed that Andrew Weissmann, a top deputy, is also expected to leave soon. A key F.B.I. agent, David W. Archey, has transferred to another post.

Mr. Rosenstein was expected to leave the Justice Department by mid-March, but may be lingering to see the report to its conclusion.

Source: <https://www.nytimes.com/2019/03/22/us/politics/mueller-report.html>

[Disclaimer]