1/ Sensenbrenner's comparison of Ken Starr's approach to Mueller's approach is interesting.

He's right that Starr came out and essentially said that certain acts by Trump were impeachable offenses.

That was beyond his role as a prosecutor. Congress decides what is impeachable.

- 2/ Starr's approach was an overreach and went outside of his proper role as a prosecutor, so Mueller went out of his way to stay within his lane and focus on investigating criminal activity. He was largely silent as to what Congress should or could do with what he found.
- 3/ Mueller's approach is the more appropriate approach for a prosecutor. But it is much harder for Members of Congress or the public to digest. Sensenbrenner probably wouldn't like Mueller's conclusions but I got the impression he would have liked to have seen them.
- 4/ Part of the difference between Starr and Mueller, as Sensenbrenner referred to, that Starr was operating under a different operating authority. He was an independent counsel under a now-expired statute.
- 5/ Mueller's approach is more appropriate for a prosecutor. It is dangerous to have prosecutors telling Congress whether something is an impeachable offense. But edits to the special counsel regulations should be considered to give more latitude to future special counsels.
- 6/ Mueller's approach has been fair and restrained, which how we want prosecutors to act. But it has been a challenge for lawmakers and the public to grapple with. In the special case of an investigation of the president, more clarity from the special counsel may be needed. /end

• • •