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29 May 19 · 12 tweets · [Teri_Kanefield/status/1133823610110353408](https://twitter.com/Teri_Kanefield/status/1133823610110353408)



(Thread) Summary [and analysis] of Mueller's May 29, 2019 speech.



<https://www.youtube.com/embed/3ah7mneJ32A>

Quotations are Mueller's. Basically he repeated and stressed the main points from the report.

I find it helpful to start with my own summary. So here goes.

1/ "Russian intelligence officers, who were part of the Russian military, launched a concerted attack on our political system. . ."

" . . . they used sophisticated cyber technique to hack into computers and networks used by the Clinton campaign."

2/ They "stole private information" and designed the release and timing of that information to interfere in the 2016 election and to "damage a presidential candidate."

At the same time this was happening, “a private Russian entity engaged in a social media operation . . .

3/ . . . with Russian citizens posing as Americans” to influence the 2016 election.

The indictments alleged and other activities in our report describe efforts to interfere in our political system.

4/ To learn the truth about Russian efforts to interfere in the election, it was “critical to obtain full and accurate information from every person we questioned.”

“Obstruction strikes at the core of the government’s efforts to find the truth and hold wrongdoers accountable.”

5/ Volume I of the report details numerous instances of Russia’s efforts to interfere in the election and discusses “the Trump campaign’s response to this activity, as well as our conclusion that there was insufficient evidence to charge a broader conspiracy.”

6/ [This doesn’t mean “no evidence,” it means “not enough to bring charges.]

Vol II describes “the results and analysis of our investigation into obstruction by the president.”

7/ “After that investigation if we had confidence that the president had not committed a crime, we would have said so.”

[Yes, this clearly contradicts the “total exoneration” claim.]

“We did not, however, make a determination of whether the president committed a crime.”

8/ [Yes, this contradicts what Barr said. See 📌 Apparently the attachment came from someone in Mueller’s office—even though Mueller didn’t directly rebuke Barr.

Reporter: “Mr. Attorney General, we don’t have the report in hand. So could you explain for us the special counsel’s articulated reason for not reaching a decision on obstruction of justice and if it had anything to do with the department’s long-standing guidance on not indicting a sitting president? And you say you disagree with some of his legal theories. What did you disagree with and why?”

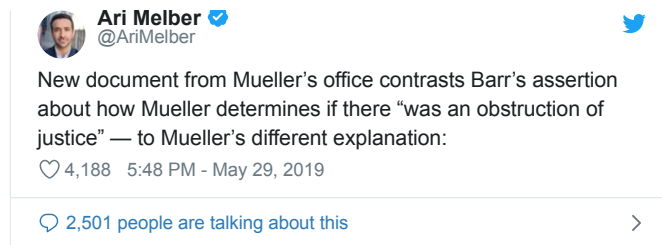
Barr: “I would leave it to his description in the report, the special counsel’s own articulation of why he did not want to make a determination as to whether or not there was an obstruction offense. But I will say that when we met with him, Deputy Attorney General Rosenstein and I met with him, along with Ed o’Callaghan, who is the principal associate deputy, on March 5th. We specifically asked him about the OLC opinion and whether or not he was taking a position that he would have found a crime but for the existence of the OLC opinion. And he made it very clear several times that that was not his position. He was not saying that but for the OLC opinion, he would have found a crime. He made it clear that he had not made the determination that there was a crime.”

Mueller:

So that was the Justice Department policy and those were the principles under which we operated. From them we concluded that we would not reach a determination – one way or the other – about whether the President committed a crime. That is the office’s final position and we will not comment on any other conclusions or hypotheticals about the President.

Report:

Third, we considered whether to evaluate the conduct we investigated under the Justice Manual standards governing prosecution and declination decisions, but we determined not to apply an approach that could potentially result in a judgment that the President committed crimes. The threshold step under the Justice Manual standards is to assess whether a person’s conduct “constitutes a federal offense.” U.S. Dep’t of Justice, Justice Manual § 9-27.220 (2018) (Justice Manual). Fairness concerns counseled against potentially reaching that judgment when no charges can be brought. The ordinary means for an individual to respond to an accusation is through a speedy and public trial, with all the procedural protections that surround a criminal case. An individual who believes he was wrongly accused can use that process to seek to clear his name. In contrast, a prosecutor’s judgment that crimes were committed, but that no charges will be brought, affords no such adversarial opportunity for public name-clearing before an impartial adjudicator.⁵



OK, so why couldn't Mueller make a determination of whether the president committed a crime?

9/ Because under "department policy, a president can not be charged with a federal crime while he is in office. That is unconstitutional . . ."

The special counsel is bound by DOJ policy, so "charging the president with a crime was therefore not an option we could consider."

10/ Two of the underlying considerations of the DOJ policy are:

- ❖ it's permissible to investigate a sitting president so a record can be made while memories are fresh and documents available; and
- ❖ the Constitution requires a process other than the criminal justice system . . .

11/ . . . before a sitting president can be accused of wrongdoing.

[This means Congress—not the executive branch—decides whether the president committed wrongdoing. See this explainer 🗨️]



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