

Mueller's Odd Press Conference

by Gary Fouse



Wednesday's [press conference](#) by Robert Mueller is raising questions and speculation from both sides of the political spectrum especially as to whether President Trump could have been charged with obstruction. Mueller certainly dropped a nugget for the CNN and MSNBC talking heads when he stated:

"And as set forth in the report after that investigation, if we had had confidence that the President clearly did not commit a crime, we would have said so.

We did not, however, make a determination as to whether the president did commit a crime. The introduction to the volume two of our report explains that decision. It explains that under long-standing Department policy, a President cannot be charged with a federal crime while he is in office. That is unconstitutional. Even if the charge is kept under seal and hidden from public view, that too is prohibited. The special

counsel's office is part of the Department of Justice and by regulation it was bound by that Department policy. Charging the president with a crime was, therefore, not an option we could consider."

Under normal circumstances, what would have been more proper for a prosecutor to say is something along these lines:

"If we had confidence that the President clearly committed a crime, we would have said so"

Instead, in my view, Mueller wanted his listeners to infer that but for the Justice Department policy that a sitting president cannot be charged with a crime, he would have charged President Trump with obstruction (even though he could not determine that Trump or members of his campaign were guilty of collusion -the underlying crime-with the Russians in their meddling of the 2016 presidential election).

So he threw out a nugget for the Democrat members of the House to chew on as they (possibly) move to impeach the President.

Speaking as a retired federal agent (Drug Enforcement Administration) and having worked with countless prosecutors from the Department of Justice, I can say emphatically that when a person is not going to be charged with a crime, it is unethical for a prosecutor to go out and publicly insinuate that the person actually did commit crimes. If you have the evidence, you indict. If you don't, you don't indict, and you say nothing other than we don't have a case. Period.

And to be fair, when James Comey gave his famous press conference in July 2016 announcing the conclusion of the Hillary Clinton e-mail case, he did two things wrong (aside from usurping the role of the prosecutors at the Justice Department): First, he laid out what seemed to be a pretty solid case against Ms. Clinton before then stating incredibly that no reasonable prosecutor would bring charges. Secondly, if he really felt that way, he should not have laid out the

case against her in such detail.

At the same time, Mueller made it pretty clear that he has no desire to testify before Congress, basically saying that he would add nothing to what he has already stated. Mueller knows that he would be facing hardball questions from both Republicans and Democrats about the conduct of his investigation and findings. No doubt Mueller really wants to walk away from this whole thing altogether and leave it to Congress to deal with it-without him.

And isn't it interesting that the whole affair of Russian meddling in our election-which few doubt- all took place during President Barack Obama's watch? They learned it was going on in 2014 and did nothing. Why aren't the self righteous Democrats yelling about that? Where is the press?

As for Mueller, in my view, this latest event cements my perception of him as a truly enigmatic figure. While I am pleased that there were no charges, it remains that after investigating Trump for two years, he walks off the stage leaving everybody arguing over what he really determined as to the question of obstruction. Altogether, not a good performance in my view. Unfortunately, I don't think we have heard the last of Robert Mueller.