

Democrats get a special counsel – but still want more

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“The political reason on the Democratic side is obvious: It’s to namely keep this issue going and to keep it ideally going into the 2018 elections and, even more, into the presidential elections of 2020,” he said.

No, said Democrats, suggesting that special counsel Robert Mueller may not be a truly independent investigator because he will answer to the Justice Department and Attorney General Jeff Sessions. Sessions did announce in March that he would recuse himself from the Russia investigation.

“I am concerned that Director Mueller will still be subject to the supervision of the Trump administration leadership at the Justice Department,” House Minority Leader Nancy Pelosi, D-Calif., told reporters Thursday. “A special prosecutor cannot take the place of a truly independent outside commission that is completely free from the Trump administration’s meddling.”

Rep. Adam Schiff of California, the top Democrat on the House Intelligence Committee, concurred.

“The commission brings an independent body completely removed from political considerations to give the public the confidence to know that body will follow the facts wherever they may lead,” Schiff said.

Chances that such a commission, or a special committee, will be created have dimmed enormously thanks to the Mueller appointment. That appointment and Democratic pleas for more gave Republicans a fresh political talking point Thursday.

“Some people don’t want the story to die, right? That is politics,” said Sen. Bill Cassidy, R-La. “We want the end of the story, and the end of the story is having someone like Mueller, whom we all respect, and whom we can trust the outcome.”

For now at least, the Russia probes are the purview of Mueller and the congressional Intelligence committees.

House Speaker Paul Ryan, R-Wis., hailed Mueller’s appointment, but added that “we have a process in place here in Congress, and the administration now has a process in place at the Justice Department.”

“I just have to leave it at that,” Ryan said.

There is some concern that the multiple investigations will create an overlap that could make the probe more difficult for everyone, particularly the congressional committees.

“Public access to what happened is going to be very limited now because of special counsel,” said Sen. Lindsay Graham, R-S.C., a senior Senate Judiciary Committee member. “It doesn’t shut them (congressional probes) down, but it pretty much does.”

Cato’s Pilon said Mueller’s investigation would determine whether the facts in the investigation warranted prosecution. If they don’t, Pilon added, Mueller “will not be inclined to make his findings public, as with any other investigation of a criminal sort.”

Some worried that the multiple probes could create a problem much the way they did during the Ronald Reagan-era Iran-Contra investigation in the late 1980s. That affair involved the Reagan administration selling arms at high prices to Iran in exchange for Iran exerting its influence to help gain the release of American hostages held in Lebanon. The excess profits from the weapons, in turn, were diverted by the administration to help fund “Contras” who were fighting the Sandinista government in Nicaragua.

Congress was examining Iran-Contra at the same time that an appointed independent counsel, Lawrence Walsh, was investigating White House aides, including Col. Oliver North, in the arms-for-hostages deal. North was granted congressional immunity to testify, a move that ultimately hurt the court case against him. Convictions against the Reagan aide were later thrown out.

Sens. Jim Risch, R-Idaho, and Dianne Feinstein of California, the second-ranking Democrat on the Senate Intelligence Committee, doubt that the same thing will happen this time.

“You’re overthinking this,” Risch said when asked about any precedent.

“You’re dating yourself,” Feinstein added.