



Why the Mueller team decided not to make a prosecutorial judgement against Trump

Courtney Leopold

April 23, 2019

Special Counsel Robert Mueller's uncertainty over whether President Trump Opens a New Window, could be charged with obstruction is why the Mueller team did not make a prosecutorial judgement against the president, according to Judge Andrew Napolitano said.

"In [Attorney General William] Barr's eyes, since then candidate Trump did not commit the crime of conspiracy with the Russians to receive a thing of value for his campaign, it was legally impossible for President Trump to have obstructed the FBI investigation of the campaign," he said on FOX Business's "Kennedy Opens a New Window." Monday.

The Fox News senior judicial analyst said Barr's stance is at odds with the vast majority of law enforcement officials who believe the obstruction statute prohibits all attempted interference with government investigations or proceedings for a self-serving purpose.

House Speaker Nancy Pelosi is urging caution while some Democrats push for impeachment proceedings against Trump. On Monday, Pelosi wrote in a letter to House Democrats that she will keep her stance on impeachment until a thorough investigation is done.

"While our views range from proceeding to investigate the findings of the Mueller report, or proceeding directly to impeachment, we all firmly agree that we should proceed down a path of finding the truth," she wrote.

Last week, the Mueller report did not find collusion evidence, but it did examine Trump's controversial actions as part of the inquiry into obstruction.

Cato Institute senior fellow Ilya Shapiro defended the attorney general's no collusion stance and that there is no conclusion regarding the president having committed a crime.

"There is no underlying crime being committed. This looks bad politically, but I think legally I don't think this is close to being criminal," he said.

Shapiro, who is the Supreme Court Review editor-in-chief, explained that the Democrats' push for impeachment could potentially backfire on them.

"At this point it's in the Democrats' court. They're going to investigate, or are they going to impeach? Because impeachable offenses aren't necessarily criminal. Criminal offenses aren't necessarily impeachable."