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Robert Mueller Adopts Stalinist Tactics

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We may be thankful to Alan Dershowitz, Felix Frankfurter Professor of Law, Emeritus, at Harvard Law School, for reminding us of the delicious irony of an investigation which began with “reports” of collusion with the Russians by Team Trump and charges of Russian hacking of our elections, now reverting to the tactics of Russia’s most murderous tyrant, Josef Stalin. As Dershowitz writes in the Washington Examiner:

Special counsel Robert Mueller was commissioned to investigate not only crime but the entire Russian "matter." That is an ominous development that endangers the civil liberties of all Americans.

Federal prosecutors generally begin by identifying specific crimes that may have been committed -- in this case, violation of federal statutes. But no one has yet identified the specific statute or statutes that constrain Mueller's investigation of the Russian matter. It is not a violation of any federal law for a campaign to have collaborated with a foreign government to help elect their candidate...

One does not have to go back to the Soviet Union and Lavrentiy Beria's infamous boast to Stalin, "Show me the man and I will show you the crime," in order to be concerned about the expansion of elastic criminal statutes. There are enough examples of abuse in our own history.

From McCarthyism to the failed prosecutions of Sen. Ted Stevens, Rep. Thomas DeLay, Gov. Rick Perry and others, we have seen vague criminal statutes stretched in an effort to criminalize political differences.

Indeed, now we here reports that Mueller’s investigation will range anywhere from Jared Kutchner’s finances to perhaps any unpaid parking tickets Sean Spicer may have. To paraphrase the boast of head of Stalin’s secret police, show Mueller the man, and he will find a crime, just as Mueller’s best friend, James Comey, found with Martha Stewart.

There too we see a vindictive prosecutor in search of a crime and it doesn’t have to be the original charge, if there is an original charge. As the Daily Caller reported:

FBI Director James Comey declined to recommend criminal charges against former Secretary of State Hillary Clinton for mishandling classified material Tuesday. But back in 2004, he led what legal observers call a “petty and vindictive” prosecution against interior design icon Martha Stewart for a lesser offense.

Stewart served a five-month prison sentence in 2004 at the Federal Prison Camp in Alderson, West Virginia, also known as “Camp Cupcake,” for lying to federal investigators about possible insider trading. In the years since the case, there is a consensus in the legal community that Comey’s prosecution was overzealous and vindictive.

The Cato Institute’s Gene Healy condemned Comey’s actions as temperamental and political in a 2004 column. Healy argued that Stewart’s indictment was largely possible because the sheer volume of federal laws makes it possible to indict almost any individual on some basis -- reasonable or unreasonable. Quoting former Supreme Court Justice Robert Jackson, Healy wrote prosecutors “will pick people that he thinks he should get, rather than pick cases that need to be prosecuted.” His Cato colleague Alan Reynolds argued Comey prosecuted Stewart for “having misled people by denying having committed a crime with which she was not charged.”

We saw this Stalinesque persecution in the case of Scooter Libby, Vice President Dick Cheney’s chief of staff. Libby was convicted, again of lying to the FBI, because he misremembered events under relentless questioning. He was charged long after prosecutors knew it was Richard Armitage who leaked the name of CIA desk jockey Valerie Plame to the press. Instead of dropping the investigation at that point, prosecutors persisted, knowing they had to find a crime committed by someone somewhere to justify their existence.

Libby was charged with obstruction of an investigation into the “outing” of Valerie Plame as a CIA operative. As *Investor’s Business Daily* noted:

Remember the alleged outing of the already known CIA officer and desk jockey Valerie Plame? We were told then that the *Vanity Fair* cover girl’s 15 minutes of fame jeopardized our national security even if everybody already knew who she was.

"Scooter" Libby, Vice President Dick Cheney's former chief of staff, went to jail because his memory of events and who said what to whom regarding Plame differed from the recollections of others, particularly news reporters.

Yes, Virginia, this is a witch hunt. Robert Mueller III was appointed special counsel after his friend, the vindictive James Comey, committed a federal crime by leaking a memo which was a government record to the press. Mueller has picked staff and prosecutors as if he were stocking Hillary Clinton’s Department of Justice. He has picked a bevy of Clinton donors, an attorney who worked for the Clinton Foundation, a former Watergate assistant prosecutor, and even a senior adviser to Eric Holder. Objective professionals all (snarkiness intended).

Mueller is in fact colluding with Comey to enact revenge on President Trump for Comey’s firing, something which even Comey said Trump was constitutionally entitled to do. There is no

evidence of collusion with Russia or obstruction of justice. It is not obstruction of justice for a President to exercise his legal and constitutional authority.

The facts and the lack of an actual crime will not stop Robert Mueller. Just show him the man, or woman, and he will show you the crime.