

DAG ROD ROSENSTEIN INVOLVES HIMSELF IN MUELLER'S PRESS RESPONSE TO BUZZFEED STORY

WaPo has a story that provides the official DOJ version of what happened with the BuzzFeed story the other day. It is certainly one explanation for what has happened since Thursday – one that appears to rely on the same number of anonymous sources (two) as the BuzzFeed story it is reporting on (leaving aside a Trump Organization source for both and off the record sources).

And while I'm confident that parts of my take on what happened are correct, I'll confess the WaPo story makes it clear I was overly optimistic in dismissing the possibility that Big Dick Toilet Salesman Matt Whitaker or his now-subordinate Rod Rosenstein may have weighed in. Indeed, the story reveals that Rosenstein's office did call to check whether Mueller was going to release a statement debunking the BuzzFeed story.

In the view of the special counsel's office, that was wrong, two people familiar with the matter said, speaking on the condition of anonymity to discuss internal deliberations. And with Democrats raising the specter of investigation and impeachment, Mueller's team started discussing a step they had never before taken: publicly disputing reporting on evidence in their ongoing investigation.

[snip]

In the advanced stages of those talks, the deputy attorney general's office called to inquire if the special counsel planned any kind of response, and was informed a statement was being prepared,

the people said.

That seems to be a violation of Special Counsel regulations, which say that Mueller's office shall not be subject to day-to-day supervision of any official, whether DAG or Acting Attorney General.

The Special Counsel shall not be subject to the day-to-day supervision of any official of the Department. However, the Attorney General may request that the Special Counsel provide an explanation for any investigative or prosecutorial step, and may after review conclude that the action is so inappropriate or unwarranted under established Departmental practices that it should not be pursued.

Maybe Mueller and Peter Carr don't care. But it should set off all sorts of alarm bells that as soon as a media report states what has long been clear – that Trump suborned perjury – Mueller's office is getting calls about how to respond to the press, which last I checked was not an "investigative or prosecutorial step" at all. All the more so given that Carr appears to have bent over backward *not* to reveal any investigative details to the press, adhering rigorously to any DOJ guidelines on that front.

Whichever side is correct (again, I believe WaPo has just one part of this story), that Rosenstein (or Whitaker) got involved seems to be far more important.