

The Columbus Dispatch

Opinion

Victor Davis Hanson: Mueller probe indicates political double standard

Posted Apr 28, 2018 at 5:00 AM

In one direction, special counsel Robert Mueller's investigation train is looking for any conceivable thing that President Donald Trump's campaign team might have done wrong in 2016.

The oncoming train is slower but also larger. It involves congressional investigations, Department of Justice referrals and inspector general's reports — mostly focused on improper or illegal FBI and Justice behavior during the 2016 election.

Why are the two now about to collide?

By charging former National Security Adviser Michael Flynn for lying to the FBI, Mueller emphasized that even the appearance of false testimony is felonious behavior.

If that is so, then the department will likely have to charge former Deputy FBI Director Andrew McCabe with perjury or related offenses. A report from the Office of the Inspector General indicates that McCabe lied at least four times to federal investigators.

Former FBI Director James Comey may also have lied to Congress when he testified that he had not written his report on the Hillary Clinton email scandal before interviewing Clinton. Former Director of National Intelligence James Clapper and former CIA Director John Brennan lied under oath to Congress on matters related to surveillance.

Clinton aides Cheryl Mills and Huma Abedin likely lied when they told FBI investigators they had no idea that their then-boss, Hillary Clinton, was using an illegal private email server. Both had communicated with Clinton about it.

Mueller is said to be investigating whether Trump obstructed justice by requesting that Comey go easy on Flynn.

If so, then the Department of Justice will have to look at Comey himself and department officials who obstructed a federal court. On at least four occasions, they were not honest about the deeply flawed Christopher Steele dossier being the source of information used in applications to the Foreign Intelligence Surveillance Court.

Comey also has said that he predicated the nature of the Clinton email investigation on his assumptions about her chances of winning the presidency — another investigatory abuse.

The Mueller team is reportedly still looking into the possibility of election-cycle collusion with Russia by Trump officials.

That track will require Mueller's Justice counterparts to look carefully at the Clinton campaign, which paid opposition researcher Steele, a British subject, for dirt on Trump that was produced through collusion with Russian sources.

Mueller is also said to be investigating whether Trump or his advisers broke laws concerning the release of confidential government information.

If so, the department might have to indict Comey. He confessed to passing along confidential FBI memos to a friend for the expressed purpose of leaking their contents to the press.

High-ranking Obama administration officials might also be subject to indictments, given that they may have requested the "unmasking" of American citizens whose communications were intercepted during the surveillance of foreign parties and then leaked the names of those citizens to the press.

Mueller's team apparently has assumed that Michael Cohen's status as Trump's attorney offers no protections under normal attorney-client privilege protocols.

If that is true, the Department of Justice will have to investigate why the FBI allowed Clinton aide Cheryl Mills to pose as Clinton's attorney and thereby be shielded from providing testimony on what she knew about the email scandal involving her "client."

Investigators have swarmed Cohen's offices and residence, supposedly in fear that he might destroy pertinent records.

The FBI probably then should reopen the investigation into the Clinton email scandal, given that Clinton destroyed more than 30,000 emails, as well as computer hard drives that were requested by federal investigators.

What is going on?

Mueller has searched far and wide for wrongdoing but so far has found little. Meanwhile, there is plenty of other wrongdoing already found, but no one seems to be looking at it.

No one thought Hillary Clinton would blow the election. Top Obama officials at the FBI, Justice intelligence agencies and National Security Council believed in 2015-2016 that they could ignore laws with impunity since a protective Clinton administration would soon be in power.

Politics have infected these investigations. Trump was seen as a threat to the status quo, and FBI and Justice lawbreakers were seen as custodians of it.

The more Mueller searches for hypothetical lawbreaking, the more he is inadvertently underscoring that actual lawbreakers must be subject to the same standard of justice.

For over a year, we have had two standards of legality when there can only be one.

A reckoning is near.

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