

1e Fix Analysis

Trump's new acting attorney general once mused about defunding Robert Mueller

by Aaron Blake

Matt Whitaker Joins CNN Panel On AG Jeff Sessions And The Russia Investigation, July 26, 2017



This post was originally published in October and has been updated with Whitaker's installment.

Matthew Whitaker has been appointed acting attorney General after Jeff Sessions resigned Wednesday at President Trump's request. And suddenly, Whitaker's past skepticism about the Russia investigation has taken on new significance.



Donald J. Trump
@realDonaldTrump

We are pleased to announce that Matthew G. Whitaker, Chief of Staff to Attorney General Jeff Sessions at the Department of Justice, will become our new Acting Attorney General of the United States. He will serve our Country well....

119K 2:44 PM - Nov 7, 2018

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Whitaker's Russia commentary first cropped up when he was reported to be a likely replacement for Sessions's No. 2, Deputy Attorney General Rod J. Rosenstein, several weeks ago. Installing him as the temporary No. 1, though, gives Whitaker even more power. The Justice Department has indicated he will take oversight of the Russia investigation, replacing Rosenstein in that role.

7/19/2018 Trump's new acting attorney general was mixed about defunding Robert Mueller. The Washington Post
The exchange in particular shows almost exactly what Whitaker thinks someone in such a position could do to rein in special counsel Robert S. Mueller III.

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appearing on CNN in July 2017 — before he became Sessions's chief of staff, the position he occupied before Wednesday — Whitaker discussed about a scenario in which Trump might fire Sessions and replace him with a temporary attorney general. Whitaker noted that federal regulations still gave the attorney general power over the budget for a special counsel. That temporary replacement, he then said, could move to choke off Mueller's funding.

So I could see a scenario where Jeff Sessions is replaced with a recess appointment," Whitaker said, "and that attorney general doesn't fire Bob Mueller, but he just reduces his budget to so low that his investigation grinds to almost a halt."

It was the second time in the same interview, in fact, that Whitaker brought up the defunding idea. He said Rosenstein could also be reassured to do it.

I think what ultimately the president is going to start doing is putting pressure on Rod J. Rosenstein, who is in charge of this investigation, is acting attorney general, and really try to get Rod to maybe even cut the budget of Bob Mueller and do something a little more stage crafty than the blunt instrument of firing the attorney general and trying to replace him," Whitaker said.

Whitaker's comments to CNN were first flagged by a group called Law Works.

The question from there is whether this is just something Whitaker *thought* Trump and a new attorney general might do, or whether it's something he would *advocate for and do*. (A Justice Department spokeswoman declined to comment.) Whitaker doesn't explicitly say he would prefer this outcome, but it's not difficult to see how Trump might see those comments and view Whitaker as a strong candidate to do his bidding.

Whitaker has also made it clear he doesn't particularly like how far Mueller has gone. He wrote an op-ed in August 2017 titled, "Mueller's investigation of Trump is going too far" that urged Rosenstein to "limit the scope of this investigation."

"The President is absolutely correct," Whitaker said after Trump suggested that Mueller investigating his finances would cross a red line. "Mueller has come up to a red line in the Russia 2016 election-meddling investigation that he is dangerously close to crossing."

He has also downplayed the idea that anything illegal was done at the Trump Tower meeting, saying, "You would always take the meeting."

Whether any of this will come to pass, we don't know. But comments like these could now be hugely consequential.

update: *Senate Minority Leader Charles Schumer (D-N.Y.) says Whitaker should recuse himself from the Russia investigation, in light of the above commentary.*

 **Chuck Schumer** @SenSchumer · Nov 7, 2018
Clearly, the President has something to hide.

 **Chuck Schumer**
@SenSchumer

Given his previous comments advocating defunding and imposing limitations on the Mueller investigation, Mr. Whitaker should recuse himself from its oversight for the duration of his time as acting attorney general.

14.2K 3:28 PM - Nov 7, 2018

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he Justice Department, meanwhile, seems to be suggesting he will take oversight of the Russia investigation.

 **Betsy Woodruff**
@woodruffbets

I asked a DOJ spokesperson if Acting AG Matt Whitaker would take over supervision of the Mueller probe. Her reply: "The Acting Attorney General is in charge of all matters under the purview of the Department of Justice."

592 3:22 PM - Nov 7, 2018

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