

Who Stands to Benefit From the New Leak About Rod Rosenstein?

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The Atlantic, Sep 21, 2018

The New York Times reported Friday that the deputy attorney general had talked about secretly recording the president and invoking the Twenty-Fifth Amendment.



Evan Vucci / AP

This month, it's hard to be shocked by any report about Trump-administration officials doubting the president's fitness for office. After [Bob Woodward's *Fear*](#) and the anonymous op-ed by [a self-identified administration saboteur](#), what else could surprise?

The New York Times [answered that question](#) Friday afternoon:

The deputy attorney general, Rod J. Rosenstein, suggested last year that he secretly record President Trump in the White House to expose the chaos consuming the administration, and he discussed recruiting cabinet members to invoke the [25th Amendment](#) to remove Mr. Trump from office for being unfit.

Rosenstein denied the story in a statement. "The New York Times's story is inaccurate and factually incorrect," he said. "I will not further comment on a story based on anonymous sources who are obviously biased against the department and are advancing their own personal agenda. But let me be clear about this: Based on

my personal dealings with the president, there is no basis to invoke the 25th Amendment.”

[The country is watching an undemocratic coup unfold.](#)

Notably, Rosenstein didn't specifically state which parts of the story are inaccurate or incorrect. A Justice Department spokeswoman confirmed that Rosenstein had made a remark about wearing wires, but said that he was being sarcastic; other journalists, including NBC News' Pete Williams, [reported the same](#). *The Washington Post* [reported](#) that Rosenstein made the comment in response to former FBI Deputy Director Andrew McCabe pushing to investigate Trump: “Rosenstein responded with what this person described as a sarcastic comment along the lines of, ‘What do you want to do, Andy, wire the president?’”

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Yet the *Times* expressed doubt about that denial. “According to the others who described his comments, Mr. Rosenstein not only confirmed that he was serious about the idea but also followed up by suggesting that other F.B.I. officials who were interviewing to be the bureau’s director could also secretly record Mr. Trump,” the paper said.

It’s difficult, at this stage, to assess the story and what really happened on its own terms. The primary source for the *Times* report appears to be a tranche of memos written by McCabe, who was fired earlier this year. McCabe was a protégé of James Comey, whose own memos sparked Rosenstein’s appointment of Robert Mueller as special counsel. In addition to the spokeswoman who said Rosenstein was not serious, the *Times* reporters spoke to people “briefed either on the events themselves or on memos written by F.B.I. officials.”

While the facts remain a bit hazy, there’s another question to consider: *Cui bono?* In other words, who might stand to benefit from the leak? And does that tell us anything about who might have leaked?

It's possible that leaking the memos could exculpate McCabe, who was stung by his firing and is suing the government. The leak of Comey's memos painted him in a positive light, buttressing his accounts and suggesting that Trump was not telling the truth. The former Justice Department spokesman Matthew Miller, who served during the Obama administration, [implied](#) that McCabe might be the leaker, but McCabe's lawyer denied it, even as he [effectively confirmed](#) the veracity of the memos, and said that McCabe had shared them with Mueller. If McCabe were the leaker, it'd be a dangerous step for him to take: The memos may or may not help him, but they almost certainly hand his nemesis Trump a powerful weapon. By leaking, McCabe would be cutting off his nose to spite his face.

One possible goal of the leak, as Rosenstein argued in his statement, may have been to hurt him and the Justice Department. The deputy attorney general has been in the hot seat for most of his tenure. After Attorney General Jeff Sessions' recusal from Russia-related matters, Rosenstein became the point man. It was his decision to appoint Mueller in the aftermath of the Comey firing, and that decision enraged Trump. The president has repeatedly called for Mueller's firing and has called the probe a "witch hunt." Trump also claimed falsely that he didn't know anything about Rosenstein (he appointed him) and that he is a Democrat (he is not).

[*There's always a new low for the Trump White House.*](#)

More recently, Rosenstein and Trump are said to have forged a better rapport, even as Trump's relationship with Sessions deteriorates (although the president continues to rage against the Mueller probe). This report could torpedo that. Even if the incident happened more than a year ago and Rosenstein was not serious, Trump has been known to fire people for less, and to lose his temper easily.

Who would be out to get Rosenstein? Perhaps it's an enemy inside the Justice Department. But it could be someone elsewhere in the administration, perhaps even in the White House. Republican members of Congress working closely with the Trump administration sought the release of McCabe's memos in July, the *Times* noted, but the Justice Department denied that request, "citing an ongoing investigation that the lawmakers believed to be Mr. Mueller's."

That might indicate the real target of the leak: the Mueller probe itself. Trump and his allies detest the probe, and while Rosenstein might not be the problem per se, he's the person with the power to end the investigation. He has ignored Trump's invective against the special counsel, and Sessions, since he is recused, likely cannot fire Mueller. If Rosenstein were out, a new and perhaps more pliant official would take over supervising the inquiry.

Some of the *Times* sources zeroed in on Rosenstein's mental state at the moment when Mueller was appointed:

They called Mr. Rosenstein's comments an example of how erratically he was behaving while he was taking part in the interviews for a replacement F.B.I. director,

considering the appointment of a special counsel and otherwise running the day-to-day operations of the more than 100,000 people at the Justice Department.

At the moment, Mueller seems to be in strong stead: His popular approval is good, and he has produced a steady stream of indictments and guilty pleas. If the public began to believe that Rosenstein wasn't acting with sound judgment when he appointed Mueller, perhaps that would undermine support for the special counsel. Tom Fitton, the president of the Trump-aligned group Judicial Watch, argued Friday that the *Times* story made Mueller's probe illegitimate:

There is some irony in seeing Trump's allies, who have followed him in lambasting the *Times* as fake news, leap to weaponize the report. But the obvious flaw in their argument is that regardless of Rosenstein's state of mind in May of 2017, the proof of concept for Mueller's investigation is its track record. Since his appointment, the special counsel has racked up convictions for a slew of former Trump aides, including Michael Flynn, Paul Manafort, Rick Gates, and George Papadopoulos; indicted dozens more; and referred to federal prosecutors in New York the case that convicted the former Trump henchman Michael Cohen. It's hard to argue that the probe was baseless when it's already turned up so much crime; put differently, [if this is a witch hunt, then Mueller has revealed a large coven](#).

That doesn't mean Trump won't try to take the excuse to further press for Mueller's ouster. He could see an opportunity and embrace it. On the other hand, Trump responded to disparaging comments about him in *Fear* attributed to Defense Secretary James Mattis and Chief of Staff John Kelly with equanimity, pushing out denials by both men and declining to fire either, despite predictions that he might. As of this writing, Trump had not yet weighed in on the *Times* scoop, but he seldom stays silent for long.

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