

THE SIGNIFICANCE OF THAT WORD, “SUMMARY”

In a big story that nevertheless treats Bill Barr's excuses credulously, the NYT reveals that associates of people on the Mueller team say team members are pissed off by Bill Barr's obvious misrepresentation of their findings.

Some of Robert S. Mueller III's investigators have told associates that Attorney General William P. Barr failed to adequately portray the findings of their inquiry and that they were more troubling for President Trump than Mr. Barr indicated, according to government officials and others familiar with their simmering frustrations.

The article itself is typically credulous, accepting at face value that Barr didn't realize that by weighing in on Trump's guilt, he was not only wading into political territory, but usurping the proper role of Congress.

Mr. Barr has come under criticism for sharing so little. But according to officials familiar with the attorney general's thinking, he and his aides limited the details they revealed because they were worried about wading into political territory. Mr. Barr and his advisers expressed concern that if they included derogatory information about Mr. Trump while clearing him, they would face a storm of criticism like what Mr. Comey endured in the Clinton investigation.

But I want to look at the actual news detail in the story: that Mueller's team wrote multiple summaries. The article uses the word four times (plus a caption) including these three

references:

Mr. Barr has said he will move quickly to release the nearly 400-page report but needs time to scrub out confidential information. The special counsel's investigators had already written multiple **summaries** of the report, and some team members believe that Mr. Barr should have included more of their material in the **four-page letter** he wrote on March 24 laying out their main conclusions, according to government officials familiar with the investigation. Mr. Barr only briefly cited the special counsel's work in his letter.

However, the special counsel's office never asked Mr. Barr to release the **summaries** soon after he received the report, a person familiar with the investigation said. And the Justice Department quickly determined that the **summaries** contain sensitive information, like classified material, secret grand-jury testimony and information related to current federal investigations that must remain confidential, according to two government officials.

The detail is useful because it tells Jerry Nadler and FOIA terrorist Jason Leopold precisely what they're looking for: Mueller's own summaries of their findings (which in fact may be parallel summaries, addressing multiple questions).

But it's also significant that NYT's sources used that term – summary. As I've noted, Barr's original memo claimed he was "summarize[ing] the principal conclusions reached by the Special Counsel and the results of his investigation." Two things: The principal conclusions and the results.

Then after Jerry Nadler scoffed that Barr had

released a four page summary (note, one of the journalists on this story, Nicholas Fandos, spent his morning covering the House Judiciary Committee voting to subpoena the report), Barr pretended he hadn't claimed to be summarizing the investigation and claimed he wouldn't dream of summarizing the report.

I am aware of some media reports and other public statements mischaracterizing my March 24, 2019 supplemental notification as a "summary" of the Special Counsel's investigation and report. For example, Chairman Nadler's March 25 letter refers to my supplemental notification as a "four-page **summary** of the Special Counsel's review." My March 24 letter was not, and did not purport to be, an exhaustive recounting of the Special Counsel's investigation or report. As my letter made clear, my notification to Congress and the public provided, pending release of the report, a summary of its "principal conclusions" [sic] – that is, its bottom line.

[snip]

I do not believe it would be in the public's interest for me to attempt to summarize the report or release it in serial fashion.

We now learn, only after Barr pretended he hadn't claimed to write a summary, that Mueller's team wrote not just one but multiple summaries (possibly customized to each of several audiences for the report).

And now Barr is offering dubious excuses about why the summaries that tax payers have already paid for couldn't be released.

My guess is Barr's claim, which he backtracked off of, to have summarized even "the principal conclusions" of the Mueller report – much less the "results of his investigation" – is going to

really come back to embarrass him, if he's still capable of embarrassment.

Update: And here's the WaPo, also emphasizing the summaries Mueller's own team did.

Some members of the office were particularly disappointed that Barr did not release **summary** information the special counsel team had prepared, according to two people familiar with their reactions.

"There was immediate displeasure from the team when they saw how the attorney general had characterized their work instead," according one U.S. official briefed on the matter.

Summaries were prepared for different sections of the report, with a view that they could made public, the official said.

The report was prepared "so that the front matter from each section could have been released immediately – or very quickly," the official said. "It was done in a way that minimum redactions, if any, would have been necessary, and the work would have spoken for itself."

Mueller's team assumed the information was going to be made available to the public, the official said, "and so they prepared their **summaries** to be shared in their own words – and not in the attorney general's **summary** of their work, as turned out to be the case."

As I disclosed last July, I provided information to the FBI on issues related to the Mueller investigation, so I'm going to include disclosure statements on Mueller investigation posts from here on out. I will include the disclosure whether or not the stuff I shared with the FBI pertains to the subject of the post.