

TRUMP PREPARES TO DO SOMETHING EVEN BILLY BARR HAS SAID MIGHT BE OBSTRUCTION

Update: Trump did, indeed, commute Stone's sentence. Kayleigh McEnany put out a ridiculous press release here.

According to just about every major outlet (here's Fox's story), Trump will use his clemency power – possibly tonight – to keep Roger Stone out of prison, preventing him from spending even one day in prison for lying to Congress about how he tried to optimize the release of emails stolen by Russia and intimidating witnesses (most notably, but not only, Randy Credico) to adhere to Stone's false cover story.

That Trump was willing to let Paulie Manafort do time, but not Stone, is a testament to how much more damning Stone's honest testimony against Trump would be.

Trump will presumably commute Stone's sentence, rather than pardon him, so Stone doesn't lose his Fifth Amendment privileges that will allow him to avoid testifying about his calls with Trump. Trump is a dummy on most things, but not bribing people to cover up for his own crimes. Plus, he is personally familiar with how George Bush bought Scooter Libby's silence with a commutation, given that Trump finally got around to pardoning Libby.

While every outlet is reporting on this imminent (presumed) commutation, virtually none are reporting that it will be an act of obstruction, Trump's payoff for Stone's lies about what he did.

Stone invented an elaborate story, post-dating the time when he made efforts to optimize the WikiLeaks releases by months, and attributing

those efforts to someone he knew had no ties with Julian Assange or anyone else involved in the hack-and-leak. Stone threatened Randy Credico to adhere to that story, his thuggish friends gave Credico real reason to worry about his safety (concerns that continue today), and even hired a PI to find out where Credico moved after he went underground to continue the pressure.

The government has alleged that Stone knew and was coordinating what was coming even before the leak was publicly announced (their public evidence for that is sketchy, however). The government has further pointed to something for which there is abundant evidence: that in return for optimized publication, Assange was promised a pardon, a pardon that Stone tried to deliver from days after the election until early 2018, well after the Vault 7 releases made such a pardon untenable.

Plus, we know that Trump's personal involvement in the optimization of the WikiLeaks releases is one topic that Trump lied to Mueller about (though not as brazenly as he lied about the Russian Trump Tower deal).

No lesser authority than Billy Barr has said that this kind of clemency might be obstruction of justice. He said as much three times during his confirmation hearing.

Patrick Leahy, specifically invoking Barr's sanction of the Caspar Weinberger pardon that squelched the Iran-Contra investigation, asked Barr about pardons.

Leahy: Do you believe a president could lawfully issue a pardon in exchange for the recipient's promise to not incriminate him?

Barr: No, that would be a crime.

Then, in this exchange from Amy Klobuchar, it appeared to take Barr

several questions before he realized she knew more about the evidence than he did, and started couching his answers.

Klobuchar: You wrote on page one that a President persuading a person to commit perjury would be obstruction. Is that right?

Barr: [Pause] Yes. Any person who persuades another –

Klobuchar: Okay. You also said that a President or any person convincing a witness to change testimony would be obstruction. Is that right?

Barr: Yes.

Klobuchar: And on page two, you said that a President deliberately impairing the integrity or availability of evidence would be an obstruction. Is that correct?

Barr: Yes.

Klobuchar: OK. And so what if a President told a witness not to cooperate with an investigation or hinted at a pardon?

Barr: I'd have to know the specifics facts, I'd have to know the specific facts.

Klobuchar: OK. And you wrote on page one that if a President knowingly destroys or alters evidence, that would be obstruction?

Barr: Yes.

Klobuchar: OK. So what if a President drafted a misleading statement to conceal the purpose of a meeting. Would that be obstruction?

Barr: Again, I'd have to know the specifics.

Shortly after that exchange, Lindsey Graham tried to clarify the issue, asking the pardon question at a more basic level, coaching another not to testify, as Trump has done on Twitter repeatedly.

Lindsey: So if there was some reason to believe that the President tried to coach somebody not to testify or testify falsely, that could be obstruction of justice?

Barr: Yes, under that, under an obstruction statute, yes.

Lindsey: So if there's some evidence that the President tried to conceal evidence? That would be obstruction of justice, potentially?

Barr: [nods]

Admittedly, by the third exchange, both Lindsey and Barr were hedging far more carefully about the set of facts.

But on three different occasions during his confirmation hearing, Barr made some kind of statement that said floating pardons for false testimony would be a crime.

And unlike Barr's effort to erase Mike Flynn's serial betrayal of the country, the Attorney General has admitted that Roger Stone's was a "righteous" prosecution, even if only to prevent a rebellion on the part of DC federal prosecutors. Barr at least publicly disputes Trump's claim that this was a witch hunt.

Trump is going to keep Roger Stone out of prison

to ensure his silence.

That's obstruction. And yet, almost no one is reporting on the crime in progress.