

HOW WILLIAM BARR DID OLD MAN BACK-FLIPS TO AVOID ARRESTING DONALD TRUMP

Attorney General William Barr just engaged in utterly cowardly dereliction of duty.

During his confirmation hearing, Barr confirmed that things Trump has done are obstruction

When we were awaiting the Mueller report yesterday, I wondered whether William Barr was thinking about two things he had said as part of his confirmation process. First, in his column that has always been interpreted to say that a President can't obstruct justice, at the bottom of the first page, he instead acknowledged that a President actually could obstruct justice.

Obviously, the President and any other official can commit obstruction in this classic sense of sabotaging a proceeding's truth-finding function. Thus, for example, if a President knowingly destroys or alters evidence, suborns perjury, or induces a witness to change testimony, or commits any act deliberately impairing the integrity or availability of evidence, then he, like anyone else, commits the crime of obstruction.

Barr – who at the time had no understanding of the evidence – made three comments in his confirmation hearing about obstruction. Among others, he point blank said that a person could not lawfully issue a pardon in exchange for someone's promise not to incriminate him.

“Do you believe a president could lawfully issue a pardon in exchange for the recipient’s promise not incriminate him?” Sen. Patrick Leahy (D-Vt.) asked Barr during his confirmation hearing before the Senate Judiciary Committee.

“No, that would be a crime,” Barr said.

We know Trump has repeatedly floated pardons to witnesses who have, in hopes of obtaining a pardon, not incriminated him.

That’s true of Paul Manafort most of all.

So on the basis of what he said to get this job, Barr is *already on the record* saying that Trump obstructed justice.

Barr ignores the crimes in front of him to avoid considering whether Trump obstructed those crimes

Now consider how Barr – having been given the job by Mueller of deciding whether Trump obstructed justice – avoided holding himself to sworn views he expressed during confirmation.

In the letter sent to Jerry Nadler (who surely just kicked off an impeachment inquiry in earnest) and others, his analysis consists of the following.

The guts of the letter describe the two parts of Mueller’s report. The first part reviews the results of Mueller’s investigation into Russian interference in the 2016 US presidential election. It describes the conclusions this way:

- [T]he Special Counsel did not find that any U.S. person or Trump campaign

official or associate
conspired or knowingly
coordinated with the IRA in
its efforts

- [T]he Special Counsel did not find that the Trump campaign, or anyone associated with it, conspired or coordinated with the Russian government in [its] efforts ... to gather and disseminate information to influence the election

Note that the second bullet does not even exonerate Roger Stone, as it pertains only to the Russian government, not Russians generally or WikiLeaks or anyone else. This is important given that we know the Trump campaign knew of and encouraged Roger Stone's coordination with WikiLeaks.

Then Barr moves along to the second section, in which Mueller considered whether Trump obstructed justice. In it, Barr doesn't mention the scope of the activities that Mueller considered evidence of obstruction of justice. He notes that, after laying out a case for and against accusing the President of a crime, Mueller's report,

states that "while this report does not conclude that the President committed a crime, it also does not exonerate him."

Barr and Rod Rosenstein have spent less than 48 whole hours considering that evidence to come up with this judgment:

Deputy Attorney General Rod Rosenstein and I have concluded that the evidence developed during the Special Counsel's investigation is not sufficient to establish that the President committed

an obstruction-of-justice offense.

[snip]

In making this determination, we noted that the Special Counsel recognized that “the evidence does not establish that the President was involved in an underlying crime related to Russian election interference,” and that, while not determinative, the absence of such evidence bears upon the President’s intent with respect to obstruction. Generally speaking, to obtain and sustain an obstruction conviction, the government would need to prove beyond a reasonable doubt that a person, acting with corrupt intent, engaged in obstructive conduct with a sufficient nexus to a pending or contemplated proceeding.

Here’s the thing, though: at least given what they lay out here, they only considered whether Trump was covering up his involvement in the hack-and-leak operation. It doesn’t consider whether Trump was covering up a quid pro quo, which is what there is abundant evidence of.

They didn’t consider whether Trump obstructed the crime that he appears to have obstructed. They considered whether he obstructed a different crime. And having considered whether Trump obstructed the crime he didn’t commit, rather than considering whether he obstructed the crime he did commit, they decided not to charge him with a crime.

Update: Corrected that these fuckers didn’t even spend two days reviewing the report.

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.