

DID SOME REPUBLICAN IN CONGRESS LEAK DETAILS OF THE MUELLER REPORT TO ROGER STONE?

There's a passage from a recent Roger Stone filing I've been puzzling over. In a motion asking for discovery on selective prosecution – an effort that started out by arguing no one else had been prosecuted for false statements to Congress before that became ridiculous – Stone claims that

Yet, he was ruled out as a conspirator with the Russian state and WikiLeaks before his transcript from HPSCI was transmitted.

This effort parallels an effort to get the whole Mueller Report and this motion asks for all the declination memos on top of that.

Prosecuting Stone because of his arbitrary classification requires discovery, including the declination memos sent to the Attorney General, so that it may be determined who the government thinks lied to Congress or the Special Counsel, but were not prosecuted.

The claim that Stone was ruled out as a co-conspirator with Russia or WikiLeaks is probably true (though not necessarily all that helpful for his case). I'm just trying to figure out how he knows that, if he does. It seems there are four possibilities:

1. His lawyers, who are fairly careless and who have made false claims in other

briefs, are just making this up

2. He got something in discovery that makes this clear
3. He's basing this off Jerome Corsi's public claims
4. Someone who has seen an unredacted copy of the Mueller Report (which currently includes the White House and at least 7 of the 8 Republicans who had been given an opportunity to read it before yesterday) told him what those passages of the report say
5. He learned of this decision in real time, via reporting to the White House and then some channel from the White House

As noted, his lawyers have not been above making shit up, so it's possible this is what this claim is. But it feels too specific for that.

It's also possible he got something in discovery to support this claim, except the prosecutors are fighting to provide precisely this kind of information to him in their fight against releasing the Mueller Report.

Such an assertion could be intuited from Jerome Corsi's crazed rants. Corsi has said that he believes the true source of his/their knowledge that WikiLeaks would release John Podesta's emails was the cornerstone to Mueller's "collusion" case (though of course he was assessing conspiracy, as Stone correctly notes here.

It's certainly possible this is reflected in the less redacted Mueller Report, which would explain the timing of this claim, which by my reading is new in this filing. Republicans in Congress have tampered with the criminal cases against Trump's people on at least two occasions (when Richard Burr told the White House who had been targeted, and whoever reached out to Mike Flynn to discourage his cooperation). Given DOJ's warnings about how sensitive the report is, it would be fairly damning if one of just 5 Republicans who had seen it already ran to Stone to tell him what's in it. (Those 5 are: Mitch McConnell, Richard Burr, Lindsey Graham, Kevin McCarthy, and Doug Collins; it's not clear whether Devin Nunes has reviewed the report yet.)

I'm most interested whether Stone learned in real time – perhaps last fall – that Mueller had decided not to charge him in a conspiracy with WikiLeaks and Russia. That would be particularly interesting given that Paul Manafort actually told what resembles the truth about the campaign's outreach, through Stone, to WikiLeaks.

Amy Berman Jackson currently has unredacted parts of the Mueller Report pertaining to Stone, so if this information does come from leaks about the Mueller Report, she may recognize that.

As I said, even if Mueller decided not to charge Stone in a conspiracy because, with the witness tampering charges, he may face the same kind of sentence without some of the evidentiary hurdles, it doesn't amount to selective prosecution.

But Stone sure seems to have a specific idea of what he's looking for, even if it only helps his (and Trump's) political case, not his criminal one.

Update: Corrected the number of Republicans known to have reviewed the report to 5.

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.