

BILL BARR'S PAST STATEMENTS SAY PARDONING ROGER STONE WOULD BE OBSTRUCTION

In a piece on Roger Stone's sentence today, Politico questions how Bill Barr would regard a Trump pardon for Roger Stone.

How Barr would come down on a Stone pardon remains unclear. He's a staunch defender of executive power and during his first stint as attorney general under President George H.W. Bush advocated for clemency on behalf of several Reagan-era officials caught up in the Iran-Contra scandal. He ultimately pushed for more pardons than the one Bush handed out to former Defense Secretary Casper Weinberger.

"There were some people arguing just for Weinberger, and I said, 'No, in for a penny, in for a pound,'" Barr said in an oral history to the University of Virginia.

The piece doesn't examine Barr's past claimed beliefs, though. And if Barr had a shred of intellectual consistency, he would view a pardon as a crime.

Start with the three times, in his confirmation hearing, where Barr said offering a pardon for false testimony would be obstruction.

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.

[snip]

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.

[snip]

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.

Obviously, Barr already reneged on this view when, after reviewing the facts presented in the Mueller Report – which showed Trump’s team coaching witnesses to hew the party line in the context of pardons. It even showed Trump’s own lawyer, Jay Sekulow, helping to write Michael Cohen’s congressional testimony.

Perhaps Barr imagined that because Mike Flynn ended up cooperating with prosecutors, because Mueller didn’t use the word “directed” with Cohen, because a judge only found Paul Manafort lied while he was pretending to cooperate by a preponderance of the evidence standard, those wouldn’t count if and when Trump pardons them. Maybe he believes that because the investigation started in July 2016 was unfair, it’s no biggie if Trump pardons the people first investigated during the election, Flynn and Manafort.

Two things distinguish Stone, though. First, at

a moment when he needed to pretend to care about the legitimacy of his intervention, he fully owned this prosecution.

BARR: Well, as you know, the Stone case was prosecuted while I was attorney general. And I supported it. I think it was established, he was convicted of obstructing Congress and witness tampering. And I thought that was a righteous prosecution. And I was happy that he was convicted.

Barr thought this prosecution, for obstruction and false statements, was righteous. It happened under him, not under Mueller. To say this, he buys off on the premise that Stone indeed did obstruct with his lies.

And, of course, Stone lied specifically to protect the president, to avoid explaining all those calls with Trump about WikiLeaks, to avoid describing what role Trump had in any success Stone had in optimizing the release of the John Podesta emails. He even told Randy Credico that *he* had to plead the Fifth because Stone couldn't, because of his ties to Trump.

And perhaps still more significant, Roger Stone *altered* his testimony, in the form of his opening argument at trial, even after the Mueller Report came out to make it consistent with information Jerome Corsi made available while still protecting the secrets that would most implicate him and Trump. To HPSCI, Stone claimed he had one intermediary, who was Credico, at trial, his lawyers claimed he had two, but they both fooled the old rat-fucker about their ties to WikiLeaks.

Neither of those stories are true, they're both crafted to protect Trump, Stone made the second lies after an extended discussion of how pardons equate to obstruction, and Barr has said Stone's conviction for telling the lies is righteous.

Mind you, none of that is going to change the fact that Trump will extend clemency to Stone.

It probably just means that Barr will invite some journalist he has known for decades and talk about tweets to distract from the fact that Barr is *already on the record* saying that what comes next is a crime.