

ROGER STONE ASSISTANT ANDREW MILLER FOUGHT HIS SUBPOENA FAR MORE AGGRESSIVELY THAN HIS FORMER BOSS

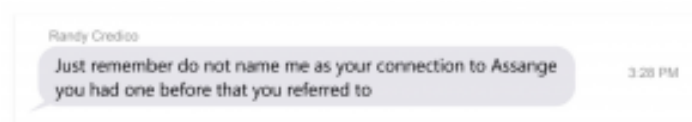
I want to look at a notable asymmetry in the way Roger Stone and his former assistant Andrew Miller responded to being subpoenaed by Robert Mueller's team.

As I noted in an update to this post, in November 2018, Mueller's team subpoenaed Stone after Chuck Ross published texts Stone gave the journalist so he would publish a bullshit claim that Randy Credico was Stone's back channel.

Pointing to the text messages, Stone asserts that Credico "lied to the grand jury" if he indeed denied being Stone's contact to Assange.

"These messages prove that Credico was the source who told me about the significance of the material that Assange announced he had on Hillary. It proves that Randy's source was a woman lawyer," Stone told TheDCNF.

Ross published five sets of texts, four of which he clearly attributed to Stone.



A Sept. 18, 2018 text message from Randy Credico to Roger Stone is pictured. (Courtesy: Roger Stone)

The text showing Credico reminding Stone that he had an earlier source by itself actually *undermined* Stone's claim to HPSCI that Credico was his source. Emails FBI already had in possession showed Credico's comms with Stone

post-dated Stone's public claims to have had an intermediary to Julian Assange.

By providing texts to Ross Stone had told HPSCI he didn't have, he provided all the evidence needed to be found guilty of one charge in his eventual indictment. In addition, unbeknownst to Stone, Credico didn't have some of his own texts, including some of the ones that Stone had retained. So by providing them to Ross, Stone made it clear he had texts that were otherwise unavailable.

The fact that Stone had those texts, from a phone he stopped using in 2016, also contributed to the probable cause that the phone would be in one of Stone's homes when the FBI searched them.

The affidavit supporting the search of Stone's homes makes it clear that Stone did comply when the FBI subpoenaed him for texts he was freely willing to share with Chuck Ross, though the description of it as "recent[]" may suggest that Stone stalled a bit.

The government has only recently obtained text messages between Stone and Credico during some period of the campaign in 2016 from Stone's subpoena production, issued after media reports in November 2018 stated that Stone's attorneys were able to extract text messages between Stone and Credico from a phone Stone stopped using in 2016.

Still, Stone complied with a Mueller subpoena with nary a public squawk.

Compare that with a new detail the files released last week make clear about Andrew Miller's year long fight of a Mueller subpoena. We knew that, after Miller agreed to an FBI interview with no counsel on May 9, 2018, he then commenced a year-long subpoena fight to avoid testifying before the grand jury, with an inordinate amount of legal fuckery. We knew that *the very last thing* that occurred under Mueller's authority was the final negotiation

for Miller's testimony – though the grand jury Miller appeared before was actually not Mueller's, suggesting Miller's testimony was needed for the ongoing investigations still hidden in court filings released last week. (Prosecutors subpoenaed Miller to be available for Stone's trial but never called him, so his testimony did pertain in some way to the lies Stone told HPSCI.)

What we didn't know before last week is how much Stone communicated with Miller while the former assistant launched this subpoena challenge. After he met with the FBI, an August 2018 warrant makes clear, Stone and Miller spoke by phone. They did the next day too, when Mueller subpoenaed Miller. Miller stalled in a variety of ways for a month. Then, on June 14, after Mueller moved to force Miller to testify, Stone and Miller emailed five times. That's the period when Miller got a new lawyer, Paul Kamenar, who led Miller's subpoena challenge to the Supreme Court, all the while claiming Miller was challenging the subpoena it for libertarian reasons. Between May 23, 2018 and August 3, 2018, as that challenge was proceeding, Stone and Miller exchanged over 100 emails. (Chief DC Judge Beryl Howell, who authorized the August 3 warrant, had just ordered Miller to testify as soon as possible, which led directly to his appeal.)

The difference in response to the subpoena may simply reflect that Miller launched the challenge to Mueller's authority that Stone otherwise might have made. Or it may reflect that there's no defense to a subpoena if you're selectively feeding the subpoenaed materials to the press.

But it also might suggest that Stone viewed whatever testimony Miller provided to be more damning to Stone than turning over texts that would prove that Stone's claim that Credico was his back-channel to Assange was bullshit.

On April 24, Kamenar filed a notice of appearance as Stone's lawyer in his prosecution

and will represent Stone for the appeal.