

# BILL BARR KEEPS PRETENDING (FALSELY) THAT HE DIDN'T ENCOURAGE YESTERDAY'S INSURRECTION

Disgraced former Attorney General Billy Barr has released two statements condemning yesterday's terrorist attack on the Capitol. First, a comment released via his spox,



Then he released a statement to the AP's Barr-chummy DOJ reporter:

Former Attorney General William Barr says President Donald Trump's conduct as a violent mob of his supporters stormed the U.S. Capitol was a "betrayal of his office and supporters."

In a statement to The Associated Press, Barr said Thursday that "orchestrating a mob to pressure Congress is inexcusable."

Barr was one of Trump's most loyal and ardent defenders in the Cabinet.

His comments come a day after angry and armed protesters broke into the U.S. Capitol, forcing Congress members to halt the ongoing vote to certify President-elect Joe Biden's election and then flee from the House and Senate chambers.

Barr resigned last month amid lingering tension over the president's baseless claims of election fraud and the investigation into Biden's son.

Of course, Barr himself encouraged the violence yesterday.

That's because, less than a year ago, he treated a threat against a sitting judge issued by some of the men who organized yesterday's actions as a "technicality" not worthy of a sentencing enhancement for Roger Stone.

Two years ago, after Roger Stone posted a picture of Amy Berman Jackson with crosshairs on it, Jonathan Kravis asked Stone who came up with the picture. The President's rat-fucker named two of his buddies who are key leaders of the Proud Boys, Jacob Engles and Enrique Tarrio.

Amy Berman Jackson. How was the image conveyed to you by the person who selected it?

Stone. It was emailed to me or text-messaged to me. I'm not certain.

Q. Who sent the email?

A. I would have to go back and look. I don't recognize. I don't know. Somebody else uses my –

THE COURT: How big is your staff, Mr. Stone?

THE DEFENDANT: I don't have a staff, Your Honor. I have a few volunteers. I also – others use my phone, so I'm not the only one texting, because it is my account and, therefore, it's registered to me. So I'm uncertain how I got the image. I think it is conceivable that it was selected on my phone. I believe that is the case, but I'm uncertain.

THE COURT: So individuals, whom you cannot identify, provide you with

material to be posted on your personal Instagram account and you post it, even if you don't know who it came from?

THE DEFENDANT: Everybody who works for me is a volunteer. My phone is used by numerous people because it can only be posted to the person to whom it is registered.

[snip]

Jonathan Kravis. What are the names of the five or six volunteers that you're referring to?

Stone. I would – Jacob Engles, Enrique Tarrío. I would have to go back and look.

Not only did Stone appear at the rally before yesterday's insurrection, but Tarrío was arrested on his way to the riot for crimes he committed during the last demonstration in support of Trump, an attack on a historic Black church in DC and possession of weapons.

Prosecutors asked Judge Jackson to add a two-level sentencing enhancement for this action, in which Stone's Proud Boys associates crafted a threat against her.

Finally, pursuant to U.S.S.G. § 3C1.1, two levels are added because the defendant "willfully obstructed or impeded, or attempted to obstruct or impede, the administration of justice with respect to the prosecution of the instant offense of conviction." Shortly after the case was indicted, Stone posted an image of the presiding judge with a crosshair next to her head. In a hearing to address, among other things, Stone's ongoing pretrial release, Stone gave sworn testimony about this matter that was not credible. Stone then repeatedly violated a more specific court order by posting messages on

social media about matters related to the case.

This enhancement is warranted based on that conduct. See U.S.S.G. § 3C1.C Cmt. 4(F) (“providing materially false information to a magistrate or judge”); see, e.g., *United States v. Lassequ*, 806 F.3d 618, 625 (1st Cir. 2015) (“Providing false information to a judge in the course of a bail hearing can serve as a basis for the obstruction of justice enhancement.”); *United States v. Jones*, 911 F. Supp. 54 (S.D.N.Y. 1996) (applying §3C1.1 enhancement to a defendant who submitted false information at hearing on modifying defendant’s conditions of release).

The sentencing memo that Bill Barr had drawn up to justify a more lenient sentence dismissed this enhancement which it admitted “technically” applied.

Notably, however, the Sentencing Guidelines enhancements in this case—while perhaps technically applicable—more than double the defendant’s total offense level and, as a result, disproportionately escalate the defendant’s sentencing exposure to an offense level of 29, which typically applies in cases involving violent offenses, such as armed robbery, not obstruction cases. Cf. U.S.S.G. § 2B3.1(a)-(b).

[snip]

Second, the two-level enhancement for obstruction of justice (§ 3C1.1) overlaps to a degree with the offense conduct in this case. Moreover, it is unclear to what extent the [defendant’s obstructive conduct actually prejudiced the government at trial.]

When ABJ gagged Stone in response to him posting the picture, she talked about the possibility that Stone's post might incite his extremist followers to take action.

What concerns me is the fact that he chose to use his public platform, and chose to express himself in a manner that can incite others who may feel less constrained. The approach he chose posed a very real risk that others with extreme views and violent inclinations would be inflamed.

[snip]

The defendant himself told me he had more than one to choose from. And so what he chose, particularly when paired with the sorts of incendiary comments included in the text, the comments that not only can lead to disrespect for the judiciary, but threats on the judiciary, the post had a more sinister message. As a man who, according to his own account, has made communication his forté, his raison d'être, his life's work, Roger Stone fully understands the power of words and the power of symbols. And there's nothing ambiguous about crosshairs.

She repeated that sentiment when she overruled the Barr-authorized memo, judging the enhancement was appropriate.

Here, the defendant willfully engaged in behavior that a rational person would find to be inherently obstructive. It's important to note that he didn't just fire off a few intemperate emails. He used the tools of social media to achieve the broadest dissemination possible. It wasn't accidental. He had a staff that helped him do it.

As the defendant emphasized in emails introduced into evidence in this case,

using the new social media is his “sweet spot.” It’s his area of expertise. And even the letters submitted on his behalf by his friends emphasized that incendiary activity is precisely what he is specifically known for. He knew exactly what he was doing. And by choosing Instagram and Twitter as his platforms, he understood that he was multiplying the number of people who would hear his message.

By deliberately stoking public opinion against prosecution and the Court in this matter, he willfully increased the risk that someone else, with even poorer judgment than he has, would act on his behalf. This is intolerable to the administration of justice, and the Court cannot sit idly by, shrug its shoulder and say: Oh, that’s just Roger being Roger, or it wouldn’t have grounds to act the next time someone tries it.

Effectively, ABJ was warning against precisely what happened yesterday: that Stone (and Trump) would rile up extremists and those extremists would, predictably, take violent actions. ABJ judged that you can’t let the incitement go unpunished.

Barr, on the other hand, suggested that unless there was proof the incitement had an effect, it was just a technicality.

Bill Barr had a chance to stand against the incitement-driven terrorism led by the Proud Boys last year. And he chose to use his authority, instead, to protect Trump.