

THE BARR MEMO RELIED ON COVERING UP THE ONGOING ROGER STONE CONSPIRACY INVESTIGATION

DOJ has released the memo that Ed O'Callaghan and Steven Engel used to claim there wasn't evidence to charge Trump with obstruction.

A key part of it is a claim that the evidence in Volume I was "conclusive" that there wasn't evidence to charge any of Trump's flunkies with conspiring with Russia.

The Special Counsel's obstruction theory would not only be novel, but, based on his own analysis, it would also be unusual because Volume I of the Special Counsel's Report is conclusive that the evidence developed "was not sufficient to charge that any member of the Trump Campaign [including the President] conspired or coordinated with representatives of the Russian government to interfere in the 2016 election." Given that conclusion, the evidence does not establish a crime or criminal conspiracy involving the President toward which any obstruction or attempted obstruction by the President was directed. It would be rare for federal prosecutors to bring an obstruction prosecution that did not itself arise out of a proceeding related to a separate crime. Moreover, much of the President's potentially obstructive conduct amounted to attempts to modify the process under which the Special Counsel investigation progressed, rather than efforts to impair or intentionally alter evidence (documentary or testimonial) that would negatively impact the Special Counsel's ability to obtain and develop evidence.

Only at least O'Callaghan knew that the evidence wasn't conclusive. On Page 178, the Mueller Report they claimed was conclusive revealed that they had referred Stone for further investigation into whether he had conspired with Russian to hack.

The Office determined that it could not pursue a Section 1030 conspiracy charge against Stone for some of the same legal reasons. The most fundamental hurdles, though, are factual ones.¹²⁷⁹

¹²⁷⁹ Some of the factual uncertainties are the subject of ongoing investigations that have been referred by this Office to the D.C. U.S. Attorney's Office.

DOJ covered that footnote up for another 20 months, releasing it only the day before the

2020 election.

From that point forward, Barr had to make sure that DOJ wouldn't pursue that investigation into Stone, because it would expose the lie at the core of his cover-up.