

IN PETER NAVARRO SENTENCING, NO MENTION OF COMPETING CLAIMS ABOUT OFFICIAL ACTS

As you've no doubt heard Judge Amit Mehta sentenced Peter Navarro to four months in prison plus a \$9,500 fine. Here's Kyle Cheney's account.

The punishment matched the sentence imposed – but stayed pending appeal – by Trump appointee Carl Nichols, but with a bigger fine.

At first, Navarro attorney Stan Woodward told Judge Mehta that Navarro would say nothing.

But then he did. He claimed, as a Harvard-educated gentleman, he was helpless to figure out what to do in response to a subpoena.

Navarro made a last-ditch appeal for leniency to Mehta, addressing the court even after his lawyers had initially said he wouldn't. He said he grew confused about the thicket of precedents and rules around executive privilege and believed he didn't have to comply with Congress' subpoena.

"I'm a Harvard-educated gentleman, but the learning curve when they come at you with the biggest law firm in the world is very, very steep," Navarro said.

Judge Mehta, a mere Georgetown/UVA grad, was having none of it. He noted that by the time Navarro defied the January 6 Committee, Steve Bannon had already been charged.

I'm just as interested in what *wasn't* said at the sentencing. In spite of unsealing part of the communications pertaining to the

Presidential Records Act lawsuit still pending against Navarro, which I wrote about here, I saw no mention of it in today's hearing.

If I'm right that Navarro continues to withhold communications about the coup based on a claim they're not protected by the Presidential Records Act, nothing would prevent Jack Smith from handing Navarro a subpoena. Indeed, Navarro's testimony today would validate that Navarro *now* knows exactly how to respond to a subpoena – and that he doesn't believe these are official records.

The big drama going forward is whether Judge Mehta lets Navarro stay out of jail pending appeal, as Judge Nichols did with Bannon.

But if Navarro were to defy another subpoena, it might be a way to get him jailed more quickly.