

BACK CHANNEL: HOW SEAN HANNITY CAME TO BELIEVE “EVERY WORD [ASSANGE] SAYS”

Julian Assange is preparing to unleash some of his blackmail against Donald Trump. He's got a witness who will tell he was offered a pardon if he would say that Russia was not behind the 2016 attack.

THE PRESIDENT'S CONSPIRACY THEORIES GET MORE WHACKO THAN GEORGE PAPADOPOULOS'

The attacks Trump has used in the past to attack criminal investigations that expose him personally simply don't apply in the case of Roger Stone. Which may be why Trump is so unhinged this morning.

ROGER STONE ADMITTED TO VIOLATING 18 USC 115

UNDER OATH

Roger Stone might want to think whether his bid for new trials will turn his threat against Amy Berman Jackson into a charge of its own.

THE STAKES AND MISINFORMATION ABOUT THE ANDREW MCCABE DECLINATION

The frothy right is making a comparison between the Roger Stone and Mike Flynn cases and that of Andrew McCabe. Not only is that inapt on its face, but all the more so when you see how dodgy the case against McCabe really was.

SSCI HAS ALREADY DISMISSED ONE OF THE KEY ISSUES JOHN DURHAM IS INVESTIGATING

One of the prongs of the John Durham investigation that Bill Barr is trying to criminalize is actually a conclusion that SSCI said the IC should have reached more quickly and with more alarm.

THE SIZE OF BILL BARR'S COVER-UP HINTS AT THE MAGNITUDE OF WHAT HE'S COVERING UP

This post attempts to capture all the things Bill Barr's DOJ has done to cover-up Trump's crimes.

BILL BARR TRYING TO DIG SIDNEY POWELL OUT OF THE HOLE SHE DUG FOR MIKE FLYNN

Bill Barr tries to undo the damage he did last summer by further politicizing justice.

THE TIMELINE SUGGESTS BILL BARR REMOVED JESSE LIU TO INTERVENE FOR

TRUMP'S RAT-FUCKER

Far be it for me to doubt Bill Barr's ability to manufacture a cover-up. He's damn good at it, that's why he was hired, and he's got a lot of power to use to execute one.

But it'll be harder this time around than it was for Poppy Bush, in part because Barr's principal has the propensity to go off half-cocked, the frothy right doesn't think rationally, and Barr himself may believe what he sees on Fox News more than what he sees in court dockets, to the extent he even reviews court dockets.

That's particularly true given the timeline leading up to the Tuesday Night Massacre, because it appears to show that Bill Barr removed Jessie Liu – and then Trump withdrew her nomination excusing that removal – mostly (at least as far as what is visible thus far) to intervene for Trump's rat-fucker, Roger Stone.

At least as the timing of the DOJ filings reflect, Barr intervened with the strategy he claimed to Pierre Thomas to apply with Roger Stone with Mike Flynn, providing reasons for Judge Emmet Sullivan to sentence lightly, but leaving it up him. Importantly, Jessie Liu proved willing to do that on January 29; she signed the softened Flynn sentencing memo (though it's possible Trump submitted her nomination on January 6 in response to the discussions around the initial, harsher memo).

The next day, per dates included in the Roger Stone sentencing memo, DOJ submitted an objection to the January 16 Presentence Investigation Report.

Probation and the Government, however, incorrectly maintain that the following offense level increases are applicable:

Specific Offense Characteristics
U.S.S.G. §2J1.2(b)(1)(B) 8 level
increase ¶76 1

Specific Offense Characteristics
U.S.S.G. §2J1.2(b)(1)(2) 3 level
increase ¶177

Obstruction of Justice U.S.S.G.
§3C1.1 2 level increase ¶180

Obstruction of Justice 2 U.S.S.G.
§2J1.2(b)(3)(C) 2 level increase
¶177

1 Paragraph references are to the
Presentence Investigation Report, dated
January 16, 2020, (“PSR”). [Dkt. #272].

2 Government’s Objection to Presentence
Investigation Report, dated January 30,
2020.

Possibly, given footnote 2, they added language
to substantiate the extent to which Stone went
to sustain his cover-up.

Pursuant to U.S.S.G. § 2B1.2(b)(3)(C),
two levels are added because the offense
was otherwise extensive in scope,
planning, or preparation. Stone engaged
in a multi-year scheme involving (1)
false statements in sworn testimony; (2)
the concealment of important documentary
evidence; (3) further lies in a written
submission to Congress; and (4) a
relentless and elaborate campaign to
silence Credico that involved cajoling,
flattering, crafting forged documents,
badgering, and threatening Credico’s
reputation, friend, life, and dog.
Stone’s efforts were as extensive, if
not more extensive, than those of other
defendants who received this two-level
enhancement at sentencing.

That’s when Barr appointed Timothy Shea as
interim US Attorney, effective just two business
days later, the one way to take Jessie Liu out
of the command structure immediately.

According to Barr’s interview, Shea started

asking questions about Stone's sentencing a week before the memo got submitted. *That means Shea spent his first day focused on the Stone sentencing.* That makes it hard to believe he was installed for any other reason but to help Stone out.

The first Trump-related motions – basically to remove Flynn's attorney-client privilege so Covington's lawyers can expound on how many lies Flynn told them about Russia and his work for Turkey – showed no discernible Barr influence (though Flynn's reversal on continuing these discussions may have).

Barr provided several somewhat contradictory explanations for what happened on February 10 to Thomas. He claims that Shea "came by" DOJ and alerted Barr that line prosecutors still wanted to recommend the 7-9 year sentence calculated by the Probation Office. Then Barr suggested that he got involved here because line prosecutors who have decades of experience are too junior to make "life or death" decisions.

What other industry allows life or death decisions to be made by the most junior level of the business.

Not long later, however, Barr denied intervening in a case.

Most cases don't come up to the Attorney General because people are doing a good job.

Some people saying AG intervening in a case. That's preposterous! We have an escalation system that tries to get the difficult issues that are, you know, people are arguing about, to get them up for resolution and it's the Attorney General's decision to decide it.

But here's the key: Barr claims he only got involved in Stone's sentencing memo because "difficult issues" got escalated.

Except they only got escalated because he had just installed his hand-picked flunky to oversee this. This *wouldn't have been* escalated if Liu were still in place.

All the evidence suggests that Bill Barr replaced Jessie Liu to give himself an excuse to intervene personally in Stone's sentencing.

And what will it get him? I suspect Judge Amy Berman Jackson would never have sentenced Stone to 7 to 9 years – the harsher sentence – in any case (especially given that she only gave Paul Manafort 7.5 years). She probably would have given Stone 4-5 years and might still, a slight enhancement for the threat against Randy Credico, but not much. But this drama about sentencing is likely not the big question, given that Stone is likely to have his sentence commuted, one way or another, on November 4, the day after election day. So the real question is how much of the next nine months he serves in prison, which ABJ has some control over, especially given Stone's propensity to make threats when he's not in prison or gagged. If ABJ sentences Stone to 4-5 years – close to what Barr has now signed off on in very public and intrusive fashion – but sends him to prison right away, it's less likely Trump will do something immediate, like pardon him. Whereas, had Barr not intervened, it would have had the same effect but without Barr's tacit approval for a 3-4 year sentence.

I can't decide whether the plan here is to make judges look unreasonable – which could happen when Sullivan sentences Flynn to prison, except for the really atrocious details about how Flynn was secretly working for a frenemy government while purportedly advising Trump on national security issues. Or whether it's to minimize sentence time – which Barr hasn't done by endorsing a sentence just a year or so less than what ABJ might be inclined to give anyway.

Meanwhile, after inventing a way to remove Jessie Liu immediately, Lou Dobbs and a bunch of other frothers convinced the President to

withdraw her nomination, possibly encouraged by the threat of questions about all this in her confirmation hearing, which was scheduled for yesterday. She resigned yesterday from whatever desk Trump parked her at to make way for Shea. She's a pretty loyal Trumpster, so it's unclear whether she'll go quietly. But if she chooses, as a private citizen she's now entitled to respond to subpoenas from Congress, and between her and Jonathan Kravis (who also resigned entirely from DOJ), she can explain what is really going on.

Meanwhile, Shea is now on the clock: he has until June 2 to complete shutting down any investigations into Trump. Unless the Senate confirms a successor that has not yet been confirmed, then Chief Judge Beryl Howell will be able to pick his replacement. And she was none too happy about this week's drama.

December 10, 2019: Trump announces intent to nominate Jessie Liu to Treasury

January 4: DOJ asks for one more day to submit Flynn supplemental sentencing memorandum; signed by Liu

January 6: Trump nominates Liu to Treasury

January 7: DOJ submits harsh sentencing memo that nevertheless asks for guidelines sentence; signed by Liu

January 16: Probation Office completes Stone PSI recommending 7-9 years

January 22: DOJ notices court that they've provided the last of the Flynn 302s; signed by Liu

January 29: DOJ submits reply sentencing memo, with probation recommendation; signed by Liu

January 30: DOJ submits objection to Stone PSI; Barr appoints Timothy Shea DC US Attorney, effective February 3

February 3: Shea starts; per ABC interview, starts asking questions about the sentencing

February 5: Senate acquits Trump

February 9: DOJ files motion to continue briefing schedule and motion to confirm waiver of attorney-client privilege; signed by Jocelyn Ballentine; Brandon Van Grack not on motions, but probably in preparation for hearing

February 10: Shea "comes by" DOJ and tells Barr the team wanted to recommend 7-9 recommendation; Barr "under the impression" that "what was going to happen was what I had suggested;" DOJ files sentencing memo recommending 7-9 years; Barr claims he decided at night to amend recommendation

February 11:

3:07: Aaron Zelinsky withdrawal

3:56: Jonathan Kravis withdrawal

4:34: John Crabb Jr. files appearance

4:40: Supplemental sentencing memo created, signed by John Crabb Jr

5:27: Adam Jed withdrawal

5:39: Michael Marando withdrawal

6:10: Supplemental sentencing memo finalized

February 12: Trump withdraws Liu's nomination; DOJ submits response to motion to dismiss; signed by Brandon Van Grack; Jessie Liu resigns from Treasury desk she was parked at to make way for Shea

February 13: Bill Barr does staged interview where he dodges any real explanation for his interference

June 2: Timothy Shea's interim appointment expires

ABC CONDUCTS AN “EXCLUSIVE” “INTERVIEW” ABOUT SENTENCING GUIDELINES WITHOUT ASKING ABOUT SENTENCING GUIDELINES

ABC didn't ask the most basic question about Bill Barr's unprecedented action – and as a result turned a story about a gross abuse of power into one about a tweet.

BILL BARR USURPED THE POWER OF A JUDGE WHO WAS THREATENED HERSELF TO DECIDE THE IMPORT OF VIOLENT THREATS

Bill Barr unilaterally eliminated all punishment for Roger Stone for his repeated incitement of violence in a case where the judge herself was violently threatened.