

ENDGAME

INSIDE THE
IMPEACHMENT OF
DONALD J. TRUMP

Rep. ERIC SWALWELL



CHAPTER 19

THE MAN WITH THE NIXON TATTOO

The January 2019 indictment of onetime Nixon henchman Roger Stone surprised no one. Stone had a long track record of sleazy tricks and dirty deeds, going all the way back to Richard Nixon. By the time of his September 26, 2017, interview before the House Intelligence Committee, Stone had become a caricature of himself, a cartoon villain who dressed like the Penguin from the old *Batman* TV show. I led that interview, and in my preparations, I fully expected Stone to come swaggering in the way he usually did. It didn't go that way.

Stone was nervous the whole time, a completely different person than I expected. I guess if you were facing Congress under oath and telling lie after lie you might be nervous, too. Before we got started, Stone read an opening statement that was all over the place. One minute, he was demanding an apology from Hillary Clinton—I didn't see her anywhere on the dais—and the next, he was singling me out for attack.

"And then there is Congressman Eric Swalwell," he droned, quoting me as having said, "From Roger Stone, we hope to learn the same things we learned from Paul Manafort, Carter Page, Don Jr., and others who were particularly active in their dealings with Russians during the summer of 2016." The quote was accurate, as the world knows now.

"Has Mr. Swalwell read my exchange with the Twitter persona which he alleges constitutes collusion?" Stone actually said that with a straight face before the Intel Committee. "The exchange is innocuous at best. Since I had no other contact with Russians, what could he be referring to?" He then went on an unpersuasive riff, ostensibly trying to convince us that he always saw the notorious hacker Guccifer 2.0 not as "a Russian asset," but as "benign." Yeah, right.

I heard him out, keeping my best prosecutor's poker face, letting him assume what he wanted to assume about what was coming next. Stone, like many of the witnesses, expected that I would come out hard-charging, but I had a surprise or two for him.

My overriding goal in leading the Roger Stone interview was to get as much information from him as possible. Considering how much he'd gone after me on Twitter and fringe news programs, I figured he would come into the interview room swinging. If I swung back, it would just be a mess. Sure, that might be fun fireworks, and would play well on TV and online, but what would it achieve for our investigation? Absolutely nothing. So, when Stone began his testimony swiping at me, I did what I always did when attacked in the courtroom, I bit my lip and told myself to stay focused.

Don't get me wrong. I wanted to rake Stone over the coals and expose him for the disgusting fraud he is. But that wasn't my job. My job was to learn what he knew. And if he didn't want to tell us, if he preferred to tell us lies, then the goal was to create a clean record to make sure he'd be held accountable.

"Congratulations" was my first word to Stone.

He looked at me quizzically.

"You're friends with Donald Trump, right?" I asked.

Stone nodded.

"Known him for years?"

Stone glanced around, as if looking for help, unclear where I was going. He had not prepped for this moment, nor anticipated for a second the proceedings veering in this direction.

"Yes," he answered, confused.

"And you helped elect your friend, of a long time, President of the United States," I said. "That's a big deal. Congratulations."

He nervously said thank you—this from a man who'd just gone on a Buffalo radio show to call me a "lightweight, mannequin, pretty boy from California . . . a yellow-bellied coward."

I'd disarmed Roger Stone with the approach he least expected: smiles and encouragement. For the next several hours, my Democratic colleagues and I questioned Stone about his long-standing ties to Trump, Paul

Manafort, and others on the campaign; to Russians who'd interfered; and to Julian Assange.

TV Stone didn't show up that day. The overdressed, overconfident, bombastic, bullying operative used to swaggering through quick media hits was nowhere to be seen. Sure, once we were done with him, he walked out of the interview room and tried to make a show of declaring victory to the television cameras. Then, over the next few months, drip by drip, he sent multiple letters to the committee to adjust his bullshit story. Lying can be a lot of work.

One interesting footnote to Roger Stone's performance that day: For all his denials, he was proving with his words just how in sync with the Russians he was. Back in 2017, he was parroting a Russian propaganda line later adopted by Donald Trump himself: "Based on what we know now, it is clear that there was a foreign nation which was colluding with a presidential campaign in an attempt to influence the outcome of the 2016 presidential election," he said late in his opening statement. "Therefore, I strongly urge this committee to investigate the numerous, publicly documented contacts between Ukraine and the Clinton campaign, particularly in light of recent public reports that Ukraine is now providing sophisticated missile technology to North Korea."

Lie upon lie upon lie—it was clear he had gone to great lengths to bury the evidence of the work he had done to obtain Russian-hacked emails to help Donald Trump. Why would someone lie, obstruct, and tamper if he was innocent? Was that easier than telling the truth?

The historical verdict on Roger Stone was devastating, as the wily old operator had surely known it would be. ROGER STONE JOINS THE REMARKABLE UNIVERSE OF CRIMINALITY SURROUNDING PRESIDENT TRUMP was the *Washington Post* headline on November 15, 2019, after Stone was found guilty of lying in his testimony to us.

Stone had now joined a gallery of convicted former Trump campaign associates: Paul Manafort, who had served as Trump's presidential campaign chairman and was by then behind bars; Manafort's deputy, Rick Gates, who pleaded guilty to a conspiracy charge and would finally, in December 2019, be sentenced to forty-five days in jail; Michael Flynn, Trump's National Security

Advisor during the transition, pled guilty to lying to federal investigators; George Papadopoulos, a campaign aide, who served twelve days in prison for lying to FBI investigators about his contacts; and finally, Michael Cohen, Trump's longtime lawyer and fixer, whom I'll get to soon.

Roger Stone stood out from the crowd not least for what his sleazy presence told us about Trump. Generally, if you're clean, you don't boast in public, "I am not a crook," the way President Richard Nixon famously did in November 1973, less than a year before he resigned in disgrace. And if you're clean, you don't boast about your ties to Richard Nixon, the way Stone repeatedly did. He was proud of having learned the art of political sleaze as a young operative cooking up dirty tricks for Nixon's 1972 campaign.

"By night, I'm trafficking in the black arts," Stone would later gush about those years. "Nixon's people were obsessed with intelligence." After Nixon resigned, Stone found work with Bob Dole, doing who knows what, until he was fired after investigative columnist Jack Anderson outed him as a Nixon "dirty trickster."

Stone egged Trump on to run for President, flattering him and revving him up with advice like "Attack, attack, attack—never defend" and "Admit nothing, deny everything, launch counterattack." He provided a bridge between Trump's reality TV persona and the blunter, less airbrushed menace of Nixonian skullduggery. There was about Stone, as there always had been about Nixon, a naked, desperate yearning to have a seat at the table.

Even for those of my generation—for whom the whole Nixon era, Watergate and all that, feels like ancient history, Boomer lore—it was still weird to see the way Roger Stone clung to the memory of his Nixon glory days. He had even had Nixon's face tattooed on his back.

Roger Stone clearly believed that, at some point, as President Gerald Ford had pardoned Stone's disgraced former idol Nixon, Donald Trump would pardon him.

"Have there been any discussions at the [Justice] Department about pardons for Paul Manafort, Roger Stone, Michael Flynn or Michael Cohen?" I asked Acting Attorney General Matthew Whitaker during his February 2019 testimony to the Judiciary Committee.

"Congressman, we have a very well-worn system for—" he began, lamely.

I cut him off. “That the President doesn’t follow. But have there been discussions about pardons for those individuals that you’re aware of? Yes or no?”

“Congressman, as I’ve been Acting Attorney General, I have not been involved in any discussions of any pardon even—including the ones you’re discussing.”

We all took that as a yes. Whitaker, roundly mocked for his sweaty, blustering, middle-linebacker-on-Super-Bowl-Sunday demeanor that day, did not lie very well.

If you asked me a decade ago if I thought a president would ever pardon one of his associates, indicted on federal charges for actions taken to help that president’s campaign, I would have told you that you were crazy. But by the time I interviewed Whitaker, it was no longer so shocking to imagine Trump abusing the great powers of his office to help cover up his crimes.

What happened next, though, was actually worse than that. And I should have seen it coming. Because, as has become his custom, instead of doing his own dirty work, Trump used his lackies to do his bidding for him.

On February 10, 2020, four federal career U.S. Attorneys filed a sentencing recommendation for Stone in court, recommending seven to nine years in prison for Stone’s crimes, consistent with established sentencing guidelines. They did their jobs.

The next day, just hours after Trump tweeted criticizing that sentencing recommendation on Twitter as “horrible and very unfair,” Attorney General Barr intervened, overruling the career prosecutors. Suddenly, instead of seven to nine years, the Department recommended a more lenient, unspecified term of incarceration for Stone. And this wasn’t the first time. The previous month, the Justice Department intervened in the sentencing recommendation for Michael Flynn after he pled guilty to federal charges, including lying to the FBI. The original recommendation was six months in jail; the Department’s latest filing now says probation will do just fine.

Since the Attorney General’s intervention, all four career prosecutors have withdrawn with public filings from Stone’s case. One of those prosecutors resigned from the Department, too. Because this isn’t okay. The Attorney General is not the *President’s* attorney. He is the Attorney for the American

people. And if we lose the Justice Department's ability to enforce the law, free of political interference, we lose our rule of law.

Trump wants us to stay quiet. He tries to ensure loyalty by threatening and attacking those against him, including career officials from both sides of the aisle, and the Purple Heart veteran Lt. Col. Alexander Vindman, who told the truth in our impeachment investigation about Trump's crimes.

Despite Trump's vicious attacks, we will stand against him. The same day the Attorney General intervened, Senator Kamala Harris—who worked in the same California District Attorney's office that I did—continued to do her job. She bravely spoke out, demanding that Attorney General Barr testify about his Department's handling of the Stone case.

Our committee *will* hear from the Attorney General. As this book goes to bed, he is scheduled to testify before the Judiciary Committee in March 2020. As I said via Twitter when I heard the news, "Can't wait." My father taught me to speak truth to power regardless of the cost. As Senator Harris stated, it is our duty to ensure that the integrity of the Department and our system of justice is upheld. And that includes making sure Trump doesn't use our nation's Department of Justice as his own personal henchmen. Because neither Trump, nor the DOJ, is above the law. And when someone like Stone, or Manafort, or even the President commit crimes, they must be held accountable.

Despite Barr's machinations, on February 20, District Judge Amy Jackson sentenced Stone to forty months in prison. Blasting his lies and his witness tampering, Judge Jackson emphasized that justice demanded Stone's punishment be decided by a neutral party, and not be swayed by the tweets of someone with a "long-standing" relationship to him. "The court cannot be influenced by those comments. They were entirely inappropriate." If Stone's actions went unpunished, she noted, "it will not be a victory for one party over another. Everyone loses . . . For that reason, the dismay and disgust at the defendant's belligerence should transcend party."

The punishment of Stone carried an important message. So did Judge Jackson's words. "The truth still exists," she said during the sentencing hearing. "The truth still matters."