



Written by [Steve Byas](#) on July 23, 2022

Bannon Conviction Latest Example of Politicized Judicial Standard

After only a short time of deliberation, former White House official Steve Bannon was found guilty Friday of contempt of Congress. The charge was based on Bannon's refusal to respond to a subpoena from the January 6 Committee of the U.S. House of Representatives. Bannon argued that former President Donald Trump claimed executive privilege, keeping Bannon, a former advisor to Trump, from testifying. After Trump waived executive privilege shortly before the trial, and Bannon said he would now sit for questions from the committee, the Justice Department decided to continue with the prosecution anyway.



Steve Bannon (AP Images)

It is just the latest example of the double standard that exists today in the United States when it comes to public officials and political operatives. Democrats get a pass, while Republicans do not.

Had this happened once, or just a few times, it would not be so obvious. But Bannon's conviction in a D.C. federal court is just the latest example of that double standard.

Bannon faces 30 days to a year in prison on two misdemeanor charges related to his refusal to honor a subpoena issued by the U.S. House of Representatives' January 6 committee. Exactly what the value of Bannon's testimony was to the committee is unclear, as Bannon left government service in 2017.

In closing arguments, prosecutor Molly Gaston told the jury, "This is a man who didn't show up. He didn't want to recognize Congress' authority or play by the government's rules. Our government only works if people show up and play by the rules and are held accountable when they do not."

Of course, it appears that the way it "works" is that only Republicans are to be held accountable in today's politicized judicial system. Just this past week, a man who attacked the Republican candidate for governor of New York, U.S. Representative Lee Zelden, with a knife, was released almost immediately — without bail.

Democrat Michael Sussmann was acquitted for lying to the FBI, while former Trump advisor Michael Flynn was convicted, even though it was FBI strategy to "get him to lie."

When Barack Obama was president, his political advisor, David Simas, refused to answer a congressional subpoena to testify. Simas was the director of the White House Office of Political Strategy and Outreach, and the House's Committee on Oversight and Reform, chaired by Darrell Issa, wanted to ask him questions about how his office was in compliance with the Hatch Act (which forbids most federal government employees from engaging in partisan political activity). But President Obama claimed executive privilege, and White House counsel Neil Eggleston told Issa in a letter, "Mr. Simas is immune from congressional compulsion to testify on matters relating to his official duties and will not appear at the July 16, 2014 hearing."



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Eggleston argued that compelling Simas to testify would threaten the executive branch's interest in preserving the president's independence "as well as his ability to obtain candid advice and counsel to aid him in the discharge of his constitutional duties."

Apparently that need — in today's political climate — is only for Democratic presidents, not Republican ones. Obama's attorney general, Eric Holder, refused to testify before Congress about the administration's gun-running scheme in Mexico; Lois Lerner, an official with the Internal Revenue Service, likewise refused to testify about the harassment of conservative organizations by the IRS.

And while members of the January 6 Committee want their subpoenas answered, Bannon's lawyers were not allowed by the judge to subpoena members of the January 6 Committee, so Bannon could face his accusers — an important principle of the American legal system.

Defense attorney Evan Corcoran told the jury that "the entire foundation of the government's case rests" on the testimony of Kristin Amerling, a staffer on the January 6 Committee. Corcoran noted that Amerling is an activist Democrat, and even had a long-standing friendship with one of the prosecutors, Molly Gaston.

Corcoran argued that the case is all about politics, while another defense attorney, David Schoen, [said](#) that the prosecution's argument "completely tears asunder [the] Constitutional principle of separation of powers." He added, "Shame on this office of the United States Attorney's Office and the Department of Justice for how far it went in this case.... They argued to the jury today that when a person gets a subpoena and executive privilege is invoked, it's for Congress to decide whether the executive privilege is valid and how broad it is. That's absolutely false."

"You bring me the man, I'll find you the crime." Lavrentiy Beria, chief of the Soviet secret police under totalitarian dictator Joseph Stalin, once said. It is clear that the target in this particular case is not Steve Bannon, but rather former President Donald Trump. He is the man the committee is after, and Bannon just happens to be someone to use to get to Trump.

Prosecutor Amanda Vaughn, in her closing statement, said as much. "How convenient that the former president chose to give the defendant an excuse for his defiance. The defendant stood with Donald Trump and that choice, the deliberate decision to stand with former President Donald Trump, that is a choice."

This was clearly an effort by Vaughn to transfer the jury's animosity toward Trump onto Bannon. In the 2020 presidential election, Joe Biden won 86 percent of the vote in the District of Columbia — where Bannon's trial took place. Ordinarily, judges who believe a defendant cannot receive a fair trial in a judicial district allow a change of venue. But not in this case. After the Oklahoma City bombing in 1995, defendant Timothy McVeigh was granted a change of venue to Denver, Colorado, as it seemed his chances of getting an unbiased jury in Oklahoma City were not very good.

Apparently, a D.C. jury, with a nearly 90-percent chance of being against Trump, was told by the prosecutor that Bannon "stood with Donald Trump." Saying Bannon was tried by a "jury of his peers" would be laughable, if it were not so serious.

That is why Democrats get to skate in D.C., while Republicans — especially those closely identified with Trump — can expect to get convicted of whatever "crime" they happen to be accused of. This should be changed — Bannon's case should have been heard elsewhere, far outside of the District of Columbia.

What Bannon was found guilty of was actually being an associate of Donald Trump. Whether one likes



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or dislikes Trump, being associated with him is not a crime.



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