

The Daintiest Slap on Paul Manafort's Wrist

Manafort sought judicial compassion. On Thursday, he got it.

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By Cristian Farias

Mr. Farias is a member of the editorial board.

Judge T.S. Ellis III on Thursday gave Paul Manafort, the former Trump campaign chairman, a notably light prison sentence of less than four years, confounding experts and those who practice regularly in the federal courts.

Mr. Manafort, convicted last summer on charges of tax evasion, bank fraud and related criminality uncovered by the special counsel, Robert Mueller, faced 19 to 24 years in prison under federal sentencing guidelines.

The leniency shown by Judge Ellis, of the Federal District Court in Alexandria, Va., toward Mr. Manafort carries the whiff of miscarriage of justice, especially given how the criminal justice system routinely treats people without Mr. Manafort's wealth, influence or skin color.

No two sentences are alike — in the federal system and in the states, judges retain wide discretion to sentence defendants or could be hand-tied in the sentences they impose. But if the failed war on drugs and the era of mass incarceration have taught us anything, it is that there are two tracks of justice: one for those who can afford expensive defense counsel and who can move heaven and earth to receive mercy, and one for everyone else. People like Mr. Manafort, when caught cheating taxpayers of millions of dollars, receive discretion and kid-glove treatment, while drug dealers and less sophisticated defendants — in Judge Ellis's courtroom and elsewhere — are subject to draconian mandatory minimum sentences.

Perhaps Judge Ellis, a veteran of the federal bench who was appointed by Ronald Reagan, bought the argument that Mr. Manafort was being targeted to ratchet up the pressure on others as part of the broader inquiry into Russia's actions in the 2016 presidential campaign, as his lawyers put it to Judge Ellis ahead of sentencing.

During a revealing moment early in Thursday's hearing, Judge Ellis said Mr. Manafort was "not before this court for anything having to do with collusion with the Russian government to influence this election." This is true. But collusion, as Judge Ellis surely knows, is not a federal crime, and it is not mentioned in the appointment order that gave Mr. Mueller his mandate in May 2017. Rather, it's a term of art that Mr. Trump and his defenders have abused to misdirect the public about the true nature of the special counsel investigation.

Mr. Mueller, perhaps wisely, declined to make a specific sentencing recommendation for Mr. Manafort. But his office pulled no punches in laying out Mr. Manafort's pattern of criminal conduct, his lack of remorse and his post-indictment behavior — all resulting in a revocation of his bail, new charges of obstruction of justice and the implosion of his plea agreement in a separate case, in Washington, D.C., for lying to prosecutors and the grand jury.