

THE PHONE CONTACTS BETWEEN THE “TOTAL MORON” AND THE PAC HEAD

According to Person 16 – who has the potty mouth and performed candor we’ve come to expect from Eric Herschmann – Person 5 is a “total moron” – an opinion about Boris Epshteyn that Herschmann has expressed elsewhere.

“I certainly am not relying on any legal analysis from either of you or Boris who – to be clear – I think is an idiot,” Mr. Herschmann wrote in a different email. “When I questioned Boris’s legal experience to work on challenging a presidential election since he appeared to have none – challenges that resulted in multiple court failures – he boasted that he was ‘just having fun,’ while also taking selfies and posting pictures online of his escapades.”

Mr. Corcoran at one point sought to get on the phone with Mr. Herschmann to discuss his testimony, instead of simply sending the written directions, which alarmed Mr. Herschmann, given that Mr. Herschmann was a witness, the emails show.

In language that mirrored the federal statute against witness tampering, Mr. Herschmann told Mr. Corcoran that Mr. Epshteyn, himself under subpoena in Georgia, “should not in any way be involved in trying to influence, delay or prevent my testimony.”

“He is not in a position or qualified to opine on any of these issues,” Mr. Herschmann said.

At that same November 2, 2022 interview, Person 16 went on to tell Jack Smith's investigators how Person 5 ingratiated himself to Trump after the former President left the White House.

Post January 2021, [Person 5] constantly sent FPOTUS what [he] had uncovered on the election fraud and maneuvered [his] way into FPOTUS' circle. [Person 16] was unaware of an actual [redacted] for [Person 5], stating it was [Person 5] who would instruct media to report [on him] as [redacted].

I long laughed at the the way that journalist after journalist credited Ephsteyn with playing a role in Trump's legal defense even while Ephsteyn was billing Trump's PAC for strategy consulting, not law.

For the entirety of the time that Epshteyn was quarterbacking Trump's response to the stolen documents probe, someone in his immediate vicinity has been telling reporters that he was playing a legal function, all the while billing Trump for the same old strategic consulting his firm, Georgetown Advisory, normally provides (though the two payments the campaign made to Epshteyn after Trump formalized his candidacy, totalling \$30,000, were filed under "communications and legal consulting").

NYT has, in various stories including Maggie in the byline, described Epshteyn's role in the stolen documents case as "an in-house counsel who helps coordinate Mr. Trump's legal efforts," "in-house counsel for the former president who has become one of his most trusted advisers," and "who has played a central role in coordinating lawyers on several of the investigations involving Mr. Trump." Another even describes that Epshteyn "act[ed] as [a] lawyer [] for

the Trump campaign.” The other day, Maggie described his role instead as “broader strategic consulting.”

All the time that NYT was describing Epshteyn as playing a legal role – and NYT is in no way alone in this – he was telling the Feds he wasn’t playing a legal function, he was instead playing a strategic consulting one. Many if not most of these stories also post-date the time, in September, when the FBI seized Epshteyn’s phone, which would give him a really good reason to try to claim to be a lawyer and not a political consultant.

According to Person 16, he “believed [Person 5] was now trying to create [redacted] to cover [him] for previous activities. [Person 16] believed [Person 49’s] records may reflect recent [redacted] that did not reflect what actually transpired.”

It was around the time of this interview, in November 2022, when Ephsteyn *did* start billing for legal services, even while the press was credulously reporting that he had always been serving in a legal role. That happened in the aftermath of Ephsteyn’s phone being seized, in September 2022.

Person 16 also thought that “total moron” Person 5 might have shifted the concern about witness tampering from the January 6 investigation[s] to the stolen document one.

[Person 16] could not recall where the information that the concern about witness tampering was related to the document investigation and not the January 6th Committee. [Person 16] commented that sounded like something [Person 5] would do.

That interview was in November 2022.

In January 2023, according to an exhibit

submitted in support of a discovery request for records on all correspondence and/or communications regarding counsel, Jack Smith's office asked the FBI to pull together the toll records between Person 49 – who may be Susie Wiles, the head of America First PAC – and both Person 5 and Stanley Woodward.

The contacts between Person 49 and Woodward are not that interesting – just four phone calls in fall 2022, when Woodward started representing Kash Patel.

The contacts between Person 5 (whom I suspect is Ephsteyn) and Person 49 (whom I suspect is Wiles) are more interesting.

(U//FOUO) ██████ Contact with ██████ Per. 5 ██████
(U//FOUO) WFO ██████'s review of ██████ Per. 49 and ██████ Per. 5 ██████'s interactions identified the following:

- (U//FOUO) First contact occurred on 20 April 2021. ██████ Per. 5 ██████ called ██████ Per. 49 ██████
- (U//FOUO) ██████ Per. 49 and ██████ Per. 5 ██████ communicate significantly more via phone calls compared to text messages. (Note: AT&T records provided records sent via SMS/MMS. If a user uses Apple's iMessage, these messages will not appear on AT&T toll records.)
- (U//FOUO) Between April 2021 to May 2021, ██████ Per. 49 and ██████ Per. 5 ██████ were in contact almost every two weeks.
- (U//FOUO) After four months of no contact, ██████ Per. 49 and ██████ Per. 5 ██████ were in contact several times a week from 23 September 2021 to 18 October 2021. After, ██████ Per. 49 and ██████ Per. 5 ██████ had no contact until 10 November 2021. From 10 November 2021 to 18 November 2021, they had four interactions.
- (U//FOUO) In December 2021, ██████ Per. 49 and ██████ Per. 5 ██████ had two longer phone calls. On 15 December 2021, they had a 15-minute call and on 29 December 2021, they had a nine-minute call. After this contact, ██████ Per. 49 and ██████ Per. 5 ██████ did not interact until March 2022.
- (U//FOUO) Since 10 March 2022, and up to 24 November 2022, ██████ Per. 49 and ██████ Per. 5 ██████ were in contact almost daily.
- (U//FOUO) The five longest conversations occurred on 5/2/22; 10/02/22; 11/9/22; 9/25/22; 7/30/22.

The contacts started on April 20, 2021, when Person 5 called Person 49, with sustained contact for a few months and then a lapse.

The contacts resumed in September and October 2021 (when the January 6 Committee was ratcheting up).

There were four phone calls in one week in November 2021, and two longer calls in December 2021.

And then nothing, until when Ephsteyn started ingratiating himself in Trump's orbit after the documents issue went public in February 2022. From that point forward they were "in contact almost daily."

Of course, these SMS texts might not be that useful. The paragraph of the superseding stolen

documents indictment that describes Wiles vetting Carlos De Oliveira's loyalty before arranging legal representation of him describes that Nauta confirmed his now co-defendant's loyalty on a Signal chat, not an SMS text.

Just over two weeks after the FBI discovered classified documents in the Storage Room and TRUMP's office, on August 26, 2022, NAUTA called Trump Employee 5 and said words to the effect of, "someone just wants to make sure Carlos is good." In response, Trump Employee 5 told NAUTA that DE OLIVEIRA was loyal and that DE OLIVEIRA would not do anything to affect his relationship with TRUMP. That same day, at NAUTA's request, Trump Employee 5 confirmed in a Signal chat group with NAUTA and **the PAC Representative that DE OLIVEIRA was loyal**. That same day, TRUMP called DE OLIVEIRA and told DE OLIVEIRA that TRUMP would get DE OLIVEIRA an attorney. [my emphasis]

Among the exhibits included in this request for discovery is a fragment of an interview with Person 49 denying unequivocally that she had done such vetting (as well as an earlier interview in which she said Person 16 was at the forefront of finding lawyers). If this is Wiles, she denied conducting loyalty checks before agreeing to find legal representation for people.

Mind you, that's not the only place Wiles shows up in the superseding indictment.

In August or September 2021, when he was no longer president, TRUMP met in his office at the Bedminster Club with a representative of his political action committee (the "PAC Representative"). During the meeting, TRUMP commented that an ongoing military operation in Country B was not going well. TRUMP showed the PAC Representative a classified map of

Country B and told the PAC Representative that he should not be showing the map to the PAC Representative and to not get too close. The PAC Representative did not have a security clearance or any need-to-know classified information about the military operation.

That was around the time when Person 49 resumed phone contact with Person 5 again.

This ABC piece talks about what a big deal it is that Wiles might have to testify at trial in the height of a campaign she's leading (though Aileen Cannon seems dead set on preventing that from happening).

And this post describes how Wiles likely showed up in another Trump-related indictment as the Florida campaign official who interacted – unwittingly – with Yevgeniy Prigozhin's trolls.