

# VIA WHAT SURVEILLANCE INTERCEPTS IS THE GOVERNMENT CHASING MANAFORT'S GHOST- WRITING?

In this post on The Bail Fight that Manafort and Gates Can't Win, I suggested,

I feel like Mueller's prosecutors are playing with these two men as cats play with balls, just patiently batting them around, waiting for the inevitable admission that they can't make bail because they don't have assets they can put up because everything they own has been laundered. At which point, after getting the judge rule over and over that they're flight risks, I suppose the government will move to throw them in the pokey, which will finally get them to consider flipping.

Mueller's team is still engaging in this play.

The day after Manafort finally submitted his bid for bail on November 30, the government said it couldn't respond right away because "information ... has come to the government's attention ... which the government is still examining."

The government seeks the Court's leave to have until Monday, December 4, 2017, to file its submission, in light of information that has come to the government's attention only after defendant's Motion was filed, which the government is still examining. Undersigned counsel has been unable to obtain defendant Manafort's position on this motion by the time of this filing,

despite efforts to do so. 1

1 Counsel for the government has been in contact with counsel for defendant Manafort about the newly-acquired information described above.

That information, as was widely reported yesterday, is that Manafort was drafting an op-ed with someone deemed to have ties to Russian intelligence.

As late as November 30, 2017, Manafort and a colleague were ghostwriting an editorial in English regarding his political work for Ukraine. Manafort worked on the draft with a long-time Russian colleague of Manafort's, who is currently based in Russia and assessed to have ties to a Russian intelligence service.

The government argued that the effort to ghostwrite a defensive op-ed violated the Court's prohibition on trying the case in the press. It also made it clear that the op-ed was not "entirely accurate, fair, and balanced." Having thus violated one of the Court's rules, the government argued, Manafort would need to put up more as bail.

Because Manafort has now taken actions that reflect an intention to violate or circumvent the Court's existing Orders, at a time one would expect particularly scrupulous adherence, the government submits that the proposed bail package is insufficient reasonably to assure his appearance as required.

The government was already going to ask that the Court "make the bond forfeitable upon a breach of any condition of the defendant's release, not just his failure to appear (a provision that is on the Court's standard form but is not checked off in the submission made by the defense),"

something that, it seemed, Manafort was already trying to pull a fast one to avoid.

In other words, there's a good chance that the *next time* Manafort violates the Courts conditions, he'll lose a house.

But that's not the part I'm most amused about here. It's the way in which the government revealed it knew about the op-ed, with first the call to his counsel, the notice it was rethinking the adequacy of his bail proposal, the with this description in the court filing (which predictably instantly lit up cable news).

As a surveillance wonk, this is the question I most want answered: how did the government find out about this op-ed, and what thought process went into revealing *that* it had found out? After all, if it was to be ghost-written, Manafort intended to hide that he had written it. But he has to know he's wired up with surveillance like a Christmas tree. So via what means was Manafort collaborating with his Russian intelligence friend?

Effectively, on top of tattling to the judge that Manafort was breaking her rules, demanding Manafort risk a home or two next time he pulls this kind of stunt, and asking him to find more liquid assets if he wants off of house arrest, the government is *also* telling Manafort that whatever communication method he believed to be hidden from government view actually is not.

Which means he now knows that any other communications he's been having with this Russian intelligence person also aren't hidden from view.

Update: Yanukovich's flack Oleg Voloshyn has IDed himself as the named author of the op-ed, but he says Manafort only provided a bit of input. Voloshyn said he passed the op-ed to Manafort through Konstantin Kilimnik, the same guy Manafort was reporting back to during the campaign.

Voloshyn said that he sent his

unpublished editorial last week to  
Konstantin Kilimnik, a longtime  
associate of Manafort in Ukraine, who  
then forwarded it on to Manafort.