

# MUELLER PREPARES TO REVEAL THE FIRST CARDS IN THE HACK-AND-LEAK CONSPIRACY

For weeks, I've been having a persistent exchange with people, including editors. They say there's no evidence of collusion between Trump and Russians. I say it wouldn't be collusion anyway, but conspiracy. They say there's no evidence of conspiracy either. Then I point to Rick Gates' guilty plea on conspiracy to defraud the US. I note that Gates effectively pled guilty to hiding the fact that he and Paul Manafort were working for pro-Russian Ukrainians while pretending to be engaging in politics for independent reasons. My interlocutors always say, in spite of the fact that Mueller has always insisted this went through the election period, that that doesn't have anything to do with the election.

Yesterday's news that Rick Gates and Alex Van Der Zwaan believed that Konstantin Kilimnik, the Oleg Deripaska crony with whom they were engaging through the entire period Manafort and Gates were working on the Trump campaign, was a current or former Russian military intelligence agent, should put that canard to rest. As the government sentencing memo in Van Der Zwaan's plea explains,

That Gates and Person A were directly communicating in September and October 2016 was pertinent to the investigation. Federal Bureau of Investigation Special Agents assisting the Special Counsel's Office assess that Person A has ties to a Russian intelligence service and had such ties in 2016. During his first interview with the Special Counsel's Office, van der Zwaan admitted that he knew of that connection, stating that Gates told him Person A was a former

Russian Intelligence Officer with the GRU.

Worse still, and less commented on in the coverage of this, at some point, Kilimnik actually worked for Manafort's company!

Person A worked with Manafort and Gates in connection with their Ukraine lobbying work. Person A is a foreign national and was a close business colleague of Manafort and Gates. He worked in Ukraine at Manafort's company Davis Manafort International, LLC (DMI).

So Manafort either still was or had employed a person that the FBI believes *still works* for the intelligence agency behind the hack-and-leak of Hillary Clinton's emails (the same agency, as I keep pointing out, that Sergei Skripal shared secrets about with the Brits), and that's one of the things Manafort and Gates were hiding all the way through their election work by not disclosing who they were really working for on the Ukrainian lobbying.

That seems like pretty significant evidence in the hack-and-leak conspiracy.

Still, commentators seem to miss some of what is going on with this disclosure, made to ensure that Van Der Zwaan gets prison time for actions that (as I'll return to, probably next week) make Van Der Zwaan look far sketchier than even his plea does.

Mueller's team (effectively, the same prosecutors who are prosecuting Manafort, with one junior prosecutor added) filed this sentencing memo on March 27. Last week, the same folks filed a request for extra time to respond to Manafort's various challenges to his prosecution so far: a challenge to Mueller's jurisdiction in this matter (arguing it's outside the scope of what Rod Rosenstein appointed Mueller to do), as well as two challenges to the way he was charged. In their

motion (which Manafort did not oppose), they asked for an extension from March 28 – yesterday – to April 2 for their response to Manafort’s challenge to Mueller’s authority, and two more days for the challenge to how he was charged. Significantly, they asked for the extension because 1) they were busy with other matters preparing this case for trial and 2) they needed to sit down with Deputy Attorney General Rod Rosenstein to work out how they were going to respond to the challenge to Mueller’s authority.

Under that schedule, the government’s response to [the challenge to Mueller’s authority] would be due on April 2 and the government’s response to [the challenge to how he was charged] would be due on April 4, 2018. The additional time is needed because the government is preparing its responses while conducting other matters to prepare this case for trial and because one of the responses—involving the challenge to the Special Counsel’s authority to conduct this prosecution—requires the Special Counsel to coordinate closely with other interested components of the Department of Justice, including the Office of the Deputy Attorney General, who is the Acting Attorney General for this case.

Understand, while these are totally valid challenges in their own right, the special counsel challenge, especially, is unlikely to succeed, not least because of the strong precedent in the Scooter Libby case, so long as Mueller shows how Rosenstein approved his actions and agreed they were related to the hack-and-leak case. That said – and the real reason Manafort’s team challenged Mueller’s authority – by laying out how Manafort’s efforts to hide who he’s actually working for and the overwhelming debt that led Manafort to trade influence with Trump to obtain loans to stave off bankruptcy relate to the hack-and-leak and therefore legitimately arose out of that

investigation, Mueller will have to disclose a significant part of his theory of the case.

Effectively, Manafort is doing this in significant part to understand how much Mueller understands about the conspiracy *as it pertains to the hack-and-leak*.

Manafort made a similar (and equally justifiable) demand yesterday for unredacted versions of the search warrants against him, again, to understand more about the investigation and case against him.

Manafort is likely doing this for two reasons. First, to weigh whether he wants to flip on Trump, while he still can. And relatedly, to reveal *to Trump* where Mueller is going, and how much it implicates things Trump and his family members have done. This is Manafort's bid to change the momentum in this case, which is now all working against him.

It has been clear for some time that Mueller has been trying to line up as many cooperating witnesses as he can and obtain evidence in the case in chief without revealing to Trump details that will make Trump do something rash, like firing Mueller and/or pardoning Manafort and all his spawn. Manafort has, unsurprisingly, employed various tactics to undermine Mueller's ability to implement his timing strategy unchallenged. This one is a legitimate tactic bolstered by his trial schedule.

So faced with the deadline to lay out how the Ukrainian lobbying relates to Manafort's involvement in the hack-and-leak, Mueller asked for a slight delay. One thing he did in that slight delay was reveal that he knows that Rick Gates knows that Konstantin Kilimnik – who was working with Gates to try to delay the disclosure of how Gates and Manafort had screwed over Ukraine before the election, and was trying to help Manafort spin his prosecution as recently as November – is or was part of the same intelligence agency behind the hack-and-leak conspiracy.

Surely Mueller's team knew they were going to reveal this detail in the sentencing memo, and the certainty that Mueller would provide such details may be why Manafort agreed to the delay.

Mueller just revealed that at the same time GRU was implementing a hack-and-leak campaign designed to hurt or defeat Ukrainian hawk Hillary Clinton, a current or former GRU official was also conspiring to prevent or delay (until after the election) full disclosure of how GRU and Russia conspired with Trump's campaign manager and his deputy to tamper in Ukrainian affairs.

At the same time GRU was tampering in *our* election, GRU was conspiring with Trump's campaign manager to hide how they had conspired to tamper in Ukrainian democracy as well.

The other thing Mueller did with the delay is win one more day before the grand jury.

I'm vacationing in an undisclosed location right now, writing this while the spouse sleeps so he doesn't accuse me of failing vacation, hoping to hell none of this breaks while I'm still supposed to be relaxing. But it seems like a whole lot is going to start breaking on Monday.