

MUELLER'S ENTIRELY REDACTED THREE BULLETS AND A THEORY OF THE CASE

In this post, I showed how the list of crimes for which Paul Manafort was being investigated mushroomed between the time FBI searched an Alexandria storage locker on May 27, 2017 and the time they searched his home using a no-knock warrant on July 27, 2017.

As a threshold matter, between May and July 2017, the scope of crimes being investigated mushroomed, to include both the fraudulent loans obtained during the election and afterwards, as well as foreign national contributions to an election, with a broad conspiracy charge built in.

Compare the list of crimes in the storage unit affidavit:

- *31 USC 5314, 5322 (failure to file a report of foreign bank and financial amounts)*
- *22 USC 618 (Violation of FARA)*
- *26 USC 7206(a) (filing a false tax return)*

With the list in the residence affidavit:

- *31 USC 5314, 5322*
- *22 USC 611 et seq (a broader invocation of FARA)*
- *26 USC 7206*

- *18 USC 1014 (fraud in connection with the extension of credit)*
- *18 USC 1341, 1343, 1349 (mail fraud and conspiracy to commit mail fraud)*
- *18 USC 1956 and 1957 (money laundering)*
- *52 USC 30121 (foreign national contributions to an election)*
- *18 USC 371 and 372 (conspiracy to defraud the US, aiding and abetting, and attempt to commit such offenses)*

So this motion to suppress would suppress both evidence used to prosecute Manafort in the EDVA case, as well as the eventual hack-and-leak conspiracy.

And in addition to records on Manafort, Gates', and (another addition from the storage unit warrant), the warrant permits the seizure of records tied to the June 9 meeting *and Manafort's state of mind* during all the enumerated crimes (but that bullet appears right after the June 9 meeting one).

Communications, records, documents, and other files involving any of the attendees of the June 9, 2016 meeting at Trump tower, as well as Aras and Amin Agalorov;

Evidence indicating Manafort's state of mind as it relates to the crimes under investigation;

The identity of any person(s)—including records that help reveal the whereabouts of the person(s)—who communicated with Manafort about any matters relating to activities conducted by Manafort on behalf of, for the benefit of, or at the direction of any foreign government, foreign officials, foreign entities, foreign persons, or foreign principals;

It also includes an authorization to take anything relating to Manafort's work for the foreign governments,

including but not limited to the Ukrainians that have already been charged, which would seem to be a catchall that would cover any broader conspiracies with Russia.

Records relating to efforts by Manafort, Gates, or their affiliated entities to conduct activities on behalf of, for the benefit of, or at the direction of any foreign government, foreign officials, foreign entities, foreign persons, or foreign principals, including but not limited to the Party of Regions and Viktor Yanukovich;

This makes sense. The June 9 story broke in July 2017 based off documents that Jared Kushner and Manafort had provided to Congress in June – though I do wonder whether there were any records relating to the meeting in the storage unit.

I also noted that Manafort seemed particularly worried about several things in the later search – such as that the government took stuff pertaining to his state of mind, that the FBI seized his iPods, and that they hadn't given anything back.

In this post, I noted that Rod Rosenstein appeared to have included a third bullet in his description of the crimes that Robert Mueller could investigate Manafort for in his August 2, 2017 memo, written just after the later search.

Now consider this detail: the second bullet describing the extent of the investigation into Manafort has a semi-colon, not a period.

government;
h;

It's possible Mueller used semi-colons after all these bullets (of which Manafort's is the second or third entry). But that, plus the resumption of the redaction without a double space suggests there may be another bulleted allegation in the Manafort allegation.

There are two other (known) things that

might merit a special bullet. First, while it would seem to fall under the general election collusion bullet, Rosenstein may have included a bullet describing collusion with Aras Agalarov and friends in the wake of learning about the June 9 Trump Tower meeting with his employees. More likely, Rosenstein may have included a bullet specifically authorizing an investigation of Manafort's ties with Oleg Deripaska and Konstantin Kilimnik.

The Mueller memo actually includes a specific reference to that, which as I've noted I will return to.

Open-source reporting also has described business arrangements between Manafort and "a Russian oligarch, Oleg Deripaska, a close ally of President Vladimir V. Putin."

The latter might be of particular import, given that we know a bunch of fall 2017 interviews focused on Manafort's ties to Deripaska and the ongoing cover-up with Kilimnik regarding the Skadden Arps report on the Yulia Tymoshenko prosecution.

At a recent court hearing, Manafort's team confirmed there is a third bullet (which is unredacted to them), and the government seemed to confirm (with their insistent refusal to share) that there are other documents laying out Rosenstein's authorizations for the investigation.

Last night, the government responded to the Manafort challenges (response to Bill of Particulars, response to search of storage locker, response to search of condo).

Aside from a bunch of subtle details showing that Mueller continues to work closely with FBI

Agents on appropriate task forces and US Attorneys officers, it includes these three redacted bullets laying out the evidence supporting probable cause for the crimes for which FBI is investigating Manafort.

First, the Affidavit [REDACTED]

[REDACTED] In particular, [REDACTED]

Second, the Affidavit [REDACTED]

Third, the Affidavit [REDACTED]

Now, there's not necessarily a correlation between those three bullets and the three bullets we now know are in Rosenstein's memo. I say that, most of all, because the first of Rosenstein's bullets pertains to the general "collusion" investigation.

- Committed a crime or crimes by colluding with Russian government officials with respect to the Russian government's efforts to interfere with the 2016 election for President of the United States, in violation of United States law;
- Committed a crime or crimes

arising out of payments he received from the Ukrainian government before and during the tenure of President Viktor Yanukovich.

As I noted in my post speculating what the third might be, it might include either more details on the then-recently disclosed June 9 meeting, or it might provide more evidence of the way that Manafort worked with Oleg Deripaska, the former of which especially might fit under the election bullet. A likely third bullet is also the more recent money laundering Manafort allegedly conducted, as he tried to use mortgages to stave off financial ruin, which gets included in the expanded list of crimes for which Manafort was being investigated.

In any case, the affidavit (and therefore these three paragraphs) presumably lay out probable cause to support all three of Rosenstein's bullets:

- The Ukraine-based money laundering at issue in the existing DC indictment – showing a long-term hidden relationship with Russian-backed entities
- Manafort's recent attempts to remain liquid as reflected in the EDVA indictment – showing he had an incentive to do crazy things to make money
- Efforts to "collude" with Russia, as reflected in the Trump Tower meeting

This is as much as what Amy Berman Jackson suggested in the most recent hearing (the one

where Manafort confirmed there was a third bullet).

So perhaps, those three redacted bullets lay out the theory of the case: Paul Manafort had long-standing ties to Russian oligarchs and an urgent need to continue receiving their money when four Russians walked into Trump's campaign proposing dirt on Hillary in exchange for sanctions relief.