ON SSCI'S INVESTIGATION: MANAFORT "CONSPIRED" WHETHER OR NOT TRUMP ALSO "COLLUDED"

I'd like to point out something about this NBC report headlined, "Senate has uncovered no direct evidence of conspiracy between Trump campaign and Russia," but instead showing,

> investigators disagree along party lines when it comes to the implications of a pattern of contacts they have documented between Trump associates and Russians — contacts that occurred before, during and after Russian intelligence operatives were seeking to help Donald Trump by leaking hacked Democratic emails and attacking his opponent, Hillary Clinton, on social media.

I sometimes beat up on Ken Dilanian and I don't mean to do so here. Putting the headline and lead aside, his report shows the disagreement here, and he even references Mark Warner's recent focus on Paul Manafort's sharing of polling data with Konstantin Kilimnik (though it's not clear he asked Richard Burr about the report).

> After it recently emerged that Trump campaign chairman Paul Manafort shared campaign polling data with a man the FBI says is linked to Russian intelligence, Warner called that the most persuasive evidence yet of coordination.
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> "This appears as the closest we've seen yet to real, live, actual collusion," he said on CNN.

> No evidence has emerged, however, linking the transfer of polling data to Trump.

Natasha Bertrand says the report soft-pedals the Democrats' belief.

> Senate Intelligence Committee aide tells me, re: NBC story, that right now there is "a common set of facts" that the panel is working with, "and a disagreement about what those facts mean." They add: "We are closer to the end than the beginning, but we're not wrapping up."

But I think something else is going on, in addition to any downplaying Democrats' views.

It's that the report shifts back and forth between "conspiracy" and "collusion."

> After two years and 200 interviews, the Senate Intelligence Committee is approaching the end of its investigation into the 2016 election, having uncovered no direct evidence of a **conspiracy** between the Trump campaign and Russia, according to both Democrats and Republicans on the committee.
>
> [snip]
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> "If we write a report based upon the facts that we have, then we don't have anything that would suggest there was **collusion** by the Trump campaign and Russia," said Sen. Richard Burr, R-N.C., the chairman of the Senate Intelligence Committee, in an interview with CBS News last week.
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> [snip]
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> "We were never going find a contract signed in blood saying, 'Hey Vlad, we're going to **collude**,'" one Democratic aide said.

> [snip]
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> House Republicans announced last year they had found no evidence of **collusion**, but their report came under immediate criticism as a highly partisan product that excluded Democrats.
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> [snip]
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> “Senator Richard Burr, The Chairman of the Senate Intelligence Committee, just announced that after almost two years, more than two hundred interviews, and thousands of documents, they have found NO **COLLUSION** BETWEEN TRUMP AND RUSSIA!” Trump tweeted Sunday. “Is anybody really surprised by this?”
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> [snip]
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> “This [sharing polling data] appears as the closest we’ve seen yet to real, live, actual collusion,” he said on CNN.
>
> [snip]
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> The final Senate report may not reach a conclusion on whether the contacts added up to **collusion** or coordination with Russia, Burr said.
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> Democrats told NBC News that’s a distinct possibility.
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> “What I’m telling you is that I’m going to present, as best we can, the facts to you and to the American people,” Burr told CBS. “And you’ll have to draw your own conclusion as to whether you think that, by whatever definition, that’s **collusion**.”

The story promises to talk about conspiracy, but then ends up talking about “collusion,” going so far as quoting Burr saying you need to draw your own conclusion about what you think the definition of “collusion” is.

That’s an important distinction, especially in a

report that talks about Paul Manafort, not least because Manafort has already pled guilty to conspiring with Konstantin Kilimnik, albeit for covering up crimes in 2018 rather than committing them in 2016.

And while Burr complains we can't know his or any of the other flunkies' motives, Andrew Weissmann made it clear that Manafort told the grand jury he didn't have just one motive when he handed highly detailed, recent polling data to Konstantin Kilimnik to be handed over to his Ukrainian and Russian paymasters.

> And I think that in the grand jury, Mr. Manafort said that from his perspective, [sharing polling data] which he admitted at that point was with — he understood that it was going to be given by [redacted] to the [redacted] and to Mr. redacted 9 character name], both. That from his perspective, it was — there was no downside — I'm paraphrasing — it was sort of a win-win. That there was nothing — there was no negatives.
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> [snip]
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> My answer, with respect to the Court's question about what it is — what the defendant's intent was in terms of what he thought [redacted] I was just trying to answer that question, even though that's not one of the bases for saying there was a lie here. And so I was just trying to answer that question. And what I meant by his statement that there's no downside, is that can you imagine multiple reasons for [redacted]. And I think the only downside —
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> THE COURT: You meant no downside to him?
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> MR. WEISSMANN: Yes.
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> THE COURT: You weren't suggesting that there was nothing — there's no scenario under which this could be a bad thing?

> MR. WEISSMANN: Oh, sorry. Yes. I meant there was no downside — Mr. Manafort had said there was no downside to Mr. Manafort doing it.
>
> [snip]
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> MR. WEISSMANN: And meaning all of this is a benefit. The negative, as I said, was it coming out that he did this.

This August 2, 2016 data hand-off occurred in the specific context of Manafort trying to get whole on his $20 million debt to Oleg Deripaska. The data was also going to some Ukrainian oligarchs that Manafort expected to pay him $2.4 million in November 2016. And all that's aside from whether Manafort expected the Russians to do anything with the data that might help Trump.

He was badly underwater, and — according to his grand jury testimony, at least as described by Weissmann — he clandestinely handed off recent detailed polling data to a guy connected to the agency that was still hacking Hillary Clinton, to be shared with a bunch of oligarchs who could help him reverse his financial fortunes.

It seems there's a conspiracy there one way another. Either Manafort effectively stole Trump's campaign data and traded it to foreigners for monetary gain. And/or Manafort handed over that data expecting that the campaign would get a thing of value from the foreigners he was sharing it with.

Richard Burr would seem to argue that's not "collusion" unless Trump knew about it (whether he did is one of the questions Mueller posed to Trump).

But it is a conspiracy, an agreement with Konstantin Kilimnik to commit one or more crimes, right there in the middle of the election season. Whether Mueller will charge it or do something else with it remains to be seen. But it is fairly clearly a conspiracy, down to the clandestine arrivals and departures from the

dark cigar lounge.

Ultimately, Burr's retreat to that word "collusion" is a tell. Because, given the public facts in this case, Republicans *should* be outraged that Trump's campaign manager was so disloyal he shared highly sensitive data with potentially malign actors. Republicans should be outraged that Trump's campaign manager was putting his own financial imperatives ahead of sound campaign practice.

But they're not. For some reason, Republicans are not squawking about the explanation for this data hand-off that would suggest the campaign didn't expect to benefit.

As I disclosed last July, I provided information to the FBI on issues related to the Mueller investigation, so I'm going to include disclosure statements on Mueller investigation posts from here on out. I will include the disclosure whether or not the stuff I shared with the FBI pertains to the subject of the post.