

ON AUGUST 2, 2016, PAUL MANAFORT GAVE KONSTANTIN KILIMNIK 75 PAGES OF RECENT, DETAILED POLLING DATA

I want to return again to the question of what Paul Manafort ordered Rick Gates to print out on August 2, 2016, so he could share it with Konstantin Kilimnik at a clandestine meeting that night. While Manafort seems to have told the government or grand jury that the data “just was public information,” the comments of his own lawyer, Richard Westling, make it clear that it was something else entirely.

In the February 4 breach hearing, Westling actually argues that “if the goal [of sharing the data with Kilimnik] were to help Mr. Manafort’s fortunes, that some other kind of [redacted] something more public, more [redacted] might help.” He says that after describing the polling data as “gibberish” because he can’t, himself, understand the data, while describing it as, “very detailed [redacted] on a level that is very focused.” In an effort to sustain a claim that Manafort ordered Gates to print it out for use at a campaign meeting that day, Westling also says, “it was the most recent, from what we can tell, the most recent [redacted] but I’m not sure. That would have been relevant to a meeting they were having within the campaign.”

Westling also suggests that Amy Berman Jackson should go check it out herself: “there’s copies of it in the exhibits.”

In what might be an effort to describe the evidence they’re looking at to co-conspirators, Manafort’s lawyers again provided descriptive information of the polling data in a follow-up

filing (which ABJ complains in her ruling hearing presented new claims not even raised at the breach hearing and which may have already been integrated into this still erroneous on the point of the polling data NYT story) – provides more detail about how much polling data Manafort gave Kilimnik to be shared with Russia. In an effort to flip-flop on their explanation that the data was the most recent available, they describe the email Manafort sent Gates on August 2, telling him to print out the polling data.

The OSC relies on emails and statements of Mr. Gates in an effort to shore up its theory, but these fall far short of providing any reliable proof. For example, the OSC relies on an email sent by Mr. Manafort to Mr. Gates on August 2, 2016 directing [REDACTED]⁹ [REDACTED] The reference to [REDACTED] was to a campaign-scheduling meeting, not a meeting with Mr. Kilimnik. The document attached [REDACTED]

⁹ See Gov. Ex. 233, p. 2.

That exhibit is Exhibit 233.

Then it describes the data itself – stating that it dates to “prior to the Republican Convention and the start of the General Election.”

[REDACTED] – prior to the Republican Convention and the start of the General Election.¹⁰ Based upon this email alone, OSC claims that Mr. Manafort [REDACTED] [REDACTED] This is just a theory, however, and it does not hold up.

Even if this claim is true (again, as ABJ noted, Manafort’s team made this claim at a time when Mueller would not have an opportunity to correct the record), it would mean the data may have been just 15 days old. Dated, but not necessarily months old as the NYT likes to parrot.

Then, a totally redacted footnote further describes the data. While the description is redacted, the pagination of the exhibit is not. It shows that there are 75 pages of polling data.

¹⁰ [REDACTED] See Gov Ex. 233, pp. 4-79.

This last filing also says a bit about the emails that Mr. Kilimnik sent, discussing his access to the data. Two footnotes make it clear there are at least 6 Kilimnik emails referring to the polling data.

¹³ See, e.g., Gov. Exs. 227 – 232.

¹⁴ See, e.g., Gov. Exs. 227, 228 & 230-232.

Again – that’s not what I’m saying, or Amy Berman Jackson, or Andrew Weissmann. That’s how Manafort’s own lawyers describe the data and the emails where Kilimnik discussed having received it.

It’s when you couple that data with what Weissmann and ABJ go on to say about it that the data is more damning. As I’ve noted before, Rick Gates testified that Manafort walked Kilimnik through the data at that clandestine August 2 meeting.

And the logic of ABJ’s judgment makes clear that this sharing of poll data amounts to a link to the Russian government.

I disagree with the defendant’s statement in docket 503, filed in connection with the dispute over the redactions, that, quote, the Office of Special Counsel’s explanation as to why Mr. Manafort’s alleged false statements are important and material turns on the claim that he is understood by the FBI to have a relationship with Russian intelligence.

I don’t think that’s a fair characterization of what was said. The intelligence reference was just one factor in a series of factors the prosecutor listed. And the language of the appointment order, “any links,” is sufficiently broad to get over the relatively low hurdle of materiality in this instance, and to make the [redaction] Kilimnik and [redaction] material to the FBI’s inquiry, no matter

what his particular relationship was on that date.

So 75 pages of gibberish that only a highly trained operative like Kilimnik could understand, which he then passed onto someone that ABJ believes amounts to a link to the Russian government. That's Manafort's least damning story.

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.