

THE SIX TRUMP ASSOCIATES WHOM DOJ IS INVESTIGATING

Because I keep having to lay out the proof that DOJ, in fact, has investigated close Trump associates of the sort that might lead to Trump himself, I wanted to make a list of those known investigations. Note that three of these – Sidney Powell, Alex Jones, and Roger Stone – definitely relate to January 6 and a fourth – the investigation into Rudy Giuliani – is scoped such that that it might include January 6 without anyone knowing about it.

Rudy Giuliani

As I said a month ago, the treatment of Rudy Giuliani's phones single-handedly disproves claims that Merrick Garland's DOJ wouldn't investigate Trump's people, because a month after he was confirmed and literally the same day that Deputy Attorney General Lisa Monaco was sworn in on April 21, DOJ obtained warrants targeting Rudy Giuliani.

The known warrants for Rudy's phone pertain to whether, in the lead-up to Trump's impeachment for trying to coerce Ukraine's assistance in the 2020 election, Rudy was acting as an unregistered agent of Ukraine.

But as this table shows, Judge Paul Oetken ordered Special Master Barbara Jones to conduct a privilege review for Rudy's seized devices from January 1, 2018 through the date of seizure, April 28, 2021. That means anything on Rudy's devices from the entire period when he was helping Trump obstruct Mueller's investigation well past the time he played the central role on orchestrating a coup attempt would be available to DOJ if it could show probable cause to get it.

Content	Warrant date	Warrant Scope	Privilege Review Scope	Status
Rudy's iCloud	11/4/19	5/1/18 to 11/4/19	5/1/18 to 11/4/19	Filter completed around May
Rudy's email	11/4/19	5/1/18 to 11/4/19	5/1/18 to 11/4/19	Filter completed around May
Toensing's iCloud	11/4/19	5/1/18 to 11/4/19	5/1/18 to 11/4/19	Filter completed around May
Toensing's email	12/13/19	5/1/18 to 12/13/19	5/1/18 to 11/4/19	Filter completed around May
Rudy's historical and prospective cell site	4/13/21	unknown		
Toensing's historical and prospective cell site	4/13/21	unknown		
Devices of Rudy and Giuliani partners	4/21/21	8/1/18 to 12/31/19	1/1/18 through seizure	Ongoing
Toensing's phone	4/22/21	8/1/18 to 12/31/19	1/1/18 through seizure	Ongoing

There's good reason to believe DOJ could show probable cause to access Rudy's phones from April 2018 (before he formally became Trump's lawyer), because during that period he was attempting to buy Michael Cohen's silence with a pardon. There's equally good reason to believe that act of obstruction is one of the referrals still redacted in the Mueller Report.

On or about April 17, 2018, Cohen began speaking with an attorney, Robert Costello, who had a close relationship with Rudolph Giuliani, one of the President's personal lawyers. 1022 Costello told Cohen that he had a "back channel of communication" to Giuliani, and that Giuliani had said the "channel" was "crucial" and "must be maintained." 1023 On April 20, 2018, the New York Times published an article about the President's relationship with and treatment of Cohen. 1024 The President responded with a series of tweets predicting that Cohen would not "flip" :

The New York Times and a third rate reporter . . . are going out of their way to destroy Michael Cohen and his relationship with me in the hope that he will 'flip. ' They use nonexistent 'sources' and a drunk/drugged up loser who hates Michael, a fine person with a wonderful family. Michael is a businessman for his own account/lawyer who I have always liked & respected. Most people will flip if the Government lets

them out of trouble, even if it means lying or making up stories. Sorry, I don't see Michael doing that despite the horrible Witch Hunt and the dishonest media! 1025

In an email that day to Cohen, Costello wrote that he had spoken with Giuliani. 1026 Costello told Cohen the conversation was "Very Very Positive[.] You are 'loved' ... they are in our corner Sleep well tonight[], you have friends in high places."1027

Similarly, there's good reason to believe DOJ could show probable cause to access Rudy's phone for his involvement in Trump's attempted coup, not least because Rudy himself tweeted out some texts he exchanged with a Proud Boy associate discussing specific insurrectionists in the aftermath of the attack.

We wouldn't know if DOJ had obtained warrants for those separate periods, because those periods will be covered by Jones' review one way or another.

In any case, the details of the Rudy investigation show, at a minimum, that Barr went to extraordinary lengths to attempt to kill this investigation (and may have even ordered that FBI not review the materials seized in 2019). It took mere weeks after Garland took over, however, for the investigation to take very aggressive steps.

It also shows that SDNY managed to renew this investigation without major leaks.

Tom Barrack

Just this Tuesday, in a Zoom hearing for Brooklyn's Federal Court, lawyers for the guy who installed Paul Manafort as Trump's campaign manager suggested that Merrick Garland had

politicized DOJ because, after the investigation into Tom Barrack had apparently stalled in 2019, he was indicted as an unregistered agent of the Emirates in July 2021.

According to reporting from 2019, this investigation was a Mueller referral, so it's proof that Garland's DOJ will pursue such referrals. According to CNN reporting, the indictment was all ready to go in July 2020, a year before it was actually charged. That provides a measure of how long it took an investigation that was deemed complete at a time when Barr seemingly prohibited filing it to be resuscitated under Garland: at least four months.

Barrack's prosecution proves that DOJ can indict a top Trump associate without leaks in advance.

Jury selection for Barrack's trial is now scheduled to start on September 7.

Sidney Powell

Two different outlets have reported that there is a grand jury investigation into Sidney Powell's grifting off lies about election fraud. WaPo's story on the investigation describes that Molly Gaston is overseeing the investigation (she is also overseeing the Steve Bannon referral). As I noted, Gaston was pulled off three prosecutions for insurrectionists by last March.

Gaston originally pulled three January 6 cases in the investigation's early days, those of Robert Packer, Robert Gieswein, and Derrick Evans, just the latter of which, involving a then-West Virginia state politician, had any possible public corruption component. But, at a time of immense staffing shortages at DC's US Attorney's Office, she dropped off those cases on February 18 (in the case of Packer) and March 29 (in the case of Gieswein and Evans). I've long

wondered what, in the weeks after Merrick Garland came in, became a higher priority for the DC US Attorney's leading public corruption prosecutor. We now know one thing she picked up in the interim was the prosecution of Michael Riley, the Capitol Police Officer who advised rioter Jacob Hiles to delete Facebook posts about his role in the riot. And by September, Gaston's grand jury investigation into Sidney Powell's gift had started taking overt steps like subpoenaing Powell's nonprofit.

For at least the Michael Riley prosecution and the Steve Bannon prosecution, Gaston is using two of at least three grand juries that are also investigating insurrectionists. For at least those investigations, there is no separate grand jury for the public corruption side of the investigation and the assault on the Capitol. They are the same investigation.

The investigation into Powell will necessarily intersect in interesting ways with Trump's pardon of Mike Flynn.

There have been a lot of complaints that DOJ is not following the money. Powell's investigation is proof that DOJ is following the money.

Alex Jones

Over the last year, DOJ has collected a great deal of evidence that the Oath Keepers, the Proud Boys, and an alarming number of former Marines worked together to open a second breach on the Capitol via the East doors. Instrumental to the success of this breach were a large number of MAGA tourists who joined in the breach. DOJ has proof that at least some of them were there because Alex Jones had lured them there by lying about a second Trump speech on the East side of the building.

DOJ has already arrested two of Jones' employees: videographer Sam Montoya in April and

on-air personality Owen Shroyer in August.

In a November DOJ response in the Shroyer case, Alex Jones was referred to as Person One, as numerous others believed to be under active investigation have been described. That filing debunked the cover story that Shroyer and Jones have used to excuse their actions on January 6. Judge Tim Kelly, who is also presiding over the most important Proud Boys cases, is currently reviewing Shroyer's First Amendment challenge to his arrest.

This strand of the investigation has likely necessarily lagged the exploitation of former Alex Jones' employee Joe Biggs' iCloud and phone, which were made available to Biggs' co-travelers in August. This post has more on the developments in the Montoya and Shroyer cases, including that a different prosecutor recently took over Monotya's case.

Roger Stone

Roger Stone, who has close ties to both the Oath Keepers and Proud Boys who coordinated the attack on the Capitol, has shown up repeatedly in the Oath Keeper conspiracy. In March, DOJ debunked Connie Meggs' claim not to know her co-conspirators by including a picture of an event she did with Roger Stone and Graydon Young (this was close to the time that Connie's husband Kelly organized an alliance between Florida militias).



In a May 25 FBI interview, Mike Simmons, the field commander for the Oath Keepers on January

6, appears to have been specifically asked why Simmons had so many conversations with Joshua James, who was providing security for Roger Stone at the Willard the morning of the insurrection. Simmons appears to have explained that James called him every time Stone moved.

10:06am: Phone call with James, which Person 10 advised was a voice mail message. Person 10 advised that every time [REDACTED] moved, James called Person 10

1049am - 11:41am: Phone calls with [REDACTED] and James. Person 10 advised that most of these phone calls didn't go through, which is why there are so many of them, but recalled that James informed him that [REDACTED] was angry because he was not getting VIP treatment. [NFI]

In June, Graydon Young, the Floridian who attended that Stone event with Connie, entered a cooperation agreement. Also in June, Mark Grods, one of the Oath Keepers who had been at the Willard that morning, entered a cooperation agreement. In September, Jason Dolan, a former Marine from Florida who also interacted with Stone in advance of the insurrection and who was waiting there on January 6 as the other Oath Keepers, a number of Proud Boys (including former Alex Jones employee Joe Biggs) and Alex Jones himself all converged at the top of the East steps just as the doors were opened from inside, entered a cooperation agreement.

Erik Prince

There's one more grand jury investigation into a powerful Trump associate that I know of via someone who was subpoenaed in the investigation in the second half of last year. The investigation reflects a reopening of an investigation Billy Barr shut down in 2019-2020. What's interesting about it is the scope seems somewhat different and the investigating District is different than the earlier investigation. That may suggest that, for investigations that Barr shut down, DOJ would need to have a new evidence to reopen it. But the existence of this investigation shows, again, that Garland's DOJ will go after powerful Trump associates.

Update, 2/8/22: NYT just named the sixth person under investigation: Erik Prince.

Mr. Prince is separately under investigation by the Justice Department on unrelated matters, according to people familiar with the case. The scope of that investigation is unclear.

It baffles me why TV lawyers continue to claim there's no evidence that Merrick Garland is investigating anyone close to Trump – aside from they're looking for leaks rather than evidence being laid out in plain sight in court filings. One of the first things that Garland's DOJ did was to take really aggressive action against the guy who led Trump's efforts to launch a coup. Alex Jones and Roger Stone are clearly part of the investigation into how the breach of the East doors of the Capitol came together, and the two of them (Jones especially) tie directly back to Trump.

There are other reasons to believe that DOJ's investigation includes Trump's role in the assault on the Capitol, laid out in the statements of offense from insurrectionists who've pled guilty, ranging from trespassers to militia conspirators. But one doesn't even have to read how meticulously DOJ is collecting evidence that dozens of people have admitted under oath that they participated in the attack on the Capitol because of what Trump had led them to believe on Twitter.

Because DOJ clearly has several other routes to get to Trump's role via his close associates. I'm not promising they'll get there. And this will take time (as I'll show in a follow-up). But that's different than claiming that this evidence doesn't exist.

Update: I did a podcast where I explained how the misdemeanor arrests are necessary to moving up the chain.