

FOUR STORIES ABOUT PAUL MANAFORT FROM ANDREW WEISSMANN'S TEAM M

The NYT recently liberated via FOIA the alternative report written by Andrew Weissmann's Team M, focused on Manafort, as part of the Mueller investigation. As Josh Gerstein described when he wrote up the report, it is heavily redacted and as such includes virtually no new factual details from what has already been made public. But that doesn't mean the report is uninteresting.

After all, even presenting exactly the same allegations that we've seen elsewhere as it does, the report tells us certain things about the investigation.

Before I lay out what the report shows, I want to review the four times this story has been told:

- The Team M Report
- Materials relating to litigation over Manafort's breach of his plea deal
- The Mueller Report
- The SSCI Report

As I laid out in my Rat-Fucker Rashomon series on Roger Stone, by comparing the various stories and understanding how each meets the particular genre and purpose of the document, we can better identify the gaps and inclusions of each.

(Another place to find more of the investigation into Manafort is in interview 302s; I've pulled together all the 302s for Sam Patten and Rick Gates; many of the most recent versions of the Manafort 302s appear in this FOIA release.)

The four stories, read together, reveal that

there was a great deal of evidence that Oleg Deripaska and Konstantin Kilimnik leveraged Manafort as part of their very active role in the 2016 operation, as well as follow-up efforts to undermine the investigation into the 2016 operation. The SSCI Report even suggests Kilimnik had a role in the hack-and-leak campaign. Yet none of that showed up in unclassified parts of the Mueller Report and related documents. That's partly true because all three of those documents – the unclassified part of the Team M Report, the Breach Determination, and the Mueller Report itself – played specific legal functions.

As with the ongoing investigation into Roger Stone that continued past the conclusion of the Mueller Report, those specific legal roles do not entail laying out where an ongoing investigation is headed. That's why one of the most informative parts of the Team M Report, as released 40 months after it was written, are the number of sections that remain redacted under a b7A ongoing investigation redaction.

November 18, 2018: Team M Report

In the days after the mid-term election in 2018, Trump fired Jeff Sessions, foreboding a different approach to Mueller's supervision. Whether or not Mueller might otherwise have continued the investigation, with Sessions' firing, investigators moved to conclude their work and write up a report of prosecutions and declinations. Team M wrote this report with an eye to documenting all their work. As Weissmann explained in his book, this report arose out of frustration with the decisions that Mueller's Chief of Staff, Aaron Zebley had made, both in limiting the scope of the investigation (which significantly excluded a review of Trump's finances), and by obscuring gaps in the conclusions.

Teams M and R had many back-and-forths

with Aaron with respect to this problem while drafting the report. Aaron was adamant that our report be conclusive, making only definitive conclusions, while the teams on the ground pushed back, noting the many gray areas and gaps in our evidence and the realms we decided not to examine, including the president's financial ties to Russia; our failure to obtain the truthful cooperation of witnesses who'd been influenced by the president's conduct in dangling the prospect of a pardon; what questions remained outstanding; what evidence we could not obtain; and our inability to interview certain other witnesses at all, up to and including the president. Only some of these limitations made it into the final report, as Team M and Team R did not have the pen—that is, the final say. To remedy this, at least for posterity, I had all the members of Team M write up an internal report memorializing everything we found, our conclusions, and the limitations on the investigation, and provided it to the other team leaders as well as had it maintained in our files.

We should have been more transparent. We knew our report would be made public and, while our superiors at the Justice Department understood the ultimate parameters of our investigation, the American people did not and cannot be expected to glean them all from our report.

In the end, the wrongdoing we found in the areas in which we chose to look, particularly in the one Russian financial deal we examined as a result of Cohen's cooperation, left me with a deeply unsatisfying feeling about what else was out there that we did not examine. One of my strengths—and

simultaneously one of my flaws—as an investigator is the desire to turn over every rock, go down every rabbit hole, try to master every detail. In this investigation, that tenacity was as much an asset as a curse: The inability to chase down all financial leads, or to examine all crimes, gnawed at me, and still does.

This report, then, was an attempt to capture significant findings that would not make it into the ultimate report.

The Team M Report is structured this way:

The Manafort Investigation – Overview

- Manafort's Background
- Manafort, Gates, and Kilimnik's Criminal Prosecutions
- Manafort's Ties to Russia and Ukraine
 - Deripaska Consulting Work
 - The Pericles Fund
 - Ukraine Political Consulting Work
 - Kilimnik
 - Manafort's Work on the Trump Campaign (March–August 2016)
 - Russia & Ukraine Communications 2016-2018
 - Communications in March 2016
 - Communications in Spring/Summer

2016

- The August 2, 2016 Meeting
 - [Manafort's Account]
 - Gates' Account
 - Patten's Account
- Manafort's Sharing Trump Campaign Polling Data with Kilimnik
- Post-Election Meetings and Contacts

In addition to that overview, the report includes three things:

- Lettered footnotes: These seem to explain the context and gaps that Weissmann complained were not making it into the final report.
- Numbered footnotes: These provide the sources and map directly onto the publicly identified sources in the Mueller Report itself.
- "A supplemental submission which is classified:" We can identify some of what might appear in this supplemental submission from the SSCI Report.

December 7, 2018 through March 2, 2019: Breach Litigation

The Team M Report is dated just three days after a joint request to delay a status report in Manafort's case and eight days before the delayed joint status report reported that Manafort had breached his plea agreement. So it was written at a time when the Weissmann team understood that Manafort had strung them out through the election and had presumably decided to hold him in breach of his plea agreement. But the Team M Report does not correlate, in structure or content, to the list of topics that Weissmann's team asserted (successfully in three of five areas) that Manafort had been lying about.

The primary representations from Weissmann's team in the breach litigation were:

- December 7, 2018: Initial Submission
- January 14, 2019: Weiland Declaration with exhibits
- February 4, 2019: Breach Hearing

In those documents and the hearing, Weissmann's team laid out their case that Manafort had lied about:

Payment to Wilmer Hale: Manafort engaged in some kind of dodgy accounting – perhaps some kind of kickback involving two of Manafort's firms – to get money to pay his lawyers at Wilmer Hale, who represented Manafort until August 2017.

Manafort's efforts to protect Konstantin Kilimnik in the witness tampering conspiracy: In 2018, Kilimnik and Manafort were charged for conspiring to hide aspects of their Hapsburg Project, a front NGO used to hide lobbying for Ukraine behind high ranking former European

officials. ABJ ruled that the government had not proven that Manafort lied about this topic, because Manafort quickly flip-flopped on his efforts to deny that Kilimnik had conspired with him to hide details of the front.

Interactions with Kilimnik: ABJ did rule that Manafort had lied to cover up details of his interactions with Konstantin Kilimnik, starting during the election and continuing through 2018. This accused lie covers much of the material presented in the Team M Report, but covers (at least in unclassified form, though the classified supplement to the Team M Report must include later communications) a broader time period.

Another DOJ investigation: ABJ judged that Weissmann's team proved that Manafort lied to cover up details pertinent to another investigation. Given the timing of the allegations and a footnote that must modify the overview section links to Michael Cohen's Criminal Information, the other investigation is likely the investigation into hush payments to Karen McDougal. The government's initial submission describes that the information implicated Senior Administration Officials, which must implicate Trump himself and, likely, Kushner. In addition to Cohen and Don Jr., some parts of this lie also appear to implicate Roger Stone.

Manafort's Contact with the Administration: The government tried, but failed, to prove that Manafort was hiding his ongoing contacts with the Trump Administration, including lobbying others were doing targeting the Department of Labor pertaining to ERISA. Significantly, prosecutors did not include ongoing communication conducted via lawyers.

March 22, 2019: Mueller Report

While Manafort shows up throughout the Mueller

Report, the discussion of his case appears in four key areas:

- A 16-page section dedicated to Manafort
- The part of the declinations and prosecutions section describing FARA prosecutions
- The 6-page section of Volume II of the Report dedicated to Trump's pardon dangles to Manafort
- The sections of the Transfers and Referrals describing Manafort-related investigations, including:
 - Manafort's own prosecution
 - The Kilimnik charge
 - The Sam Patten prosecution
 - The Podesta Group and Mercury investigations prosecution for which was declined
 - The Greg Craig (and Skadden Arps) referral that led to Craig's acquittal at trial
 - A referral of Left Hand Ventures to Public Integrity and DC USAO prosecution of which was, under Bill Barr, declined
 - A referral of Rebuilding America Now

to Public Integrity
and DC USAO
prosecution of which
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declined

- [Any Manafort-related referrals that remained redacted in November 2020, potentially including one that turned into the Tom Barrack prosecution.]

All these prosecution, declination, and referral decisions – save the obstruction discussion pertaining to Trump himself – appear in a series of footnotes in Team M (curiously, Alex Van der Zwaan only appears in the Mueller Report in the “Referenced Persons” section, even though he is not referenced in the report itself). That reflects the stated difference in the documents. The legal purpose of the Mueller Report, as I’ve repeatedly reminded, was to lay out such prosecutorial decisions. Everything in the report should serve to explain those prosecutorial decisions and – at least in the Stone case – prosecutorial decisions that had not yet been reached don’t show up in the body of the Report.

The Manafort section is similar to, but does not quite map to, the structure of the Team M Report:

Overview

- Paul Manafort’s Ties to Russia and Ukraine
 - Oleg Deripaska Consulting Work
 - Political Consulting Work

- Konstantin Kilimnik
- Contacts during Paul Manafort's Time with the Trump Campaign
 - Paul Manafort Joins the Campaign
 - Paul Manafort's Campaign-Period Contacts
 - Paul Manafort's Two Campaign-Period Meetings with Konstantin Kilimnik in the United States
 - Post-Resignation Activities

For reasons I'll lay out below, I'm most interested that the Team M Report – which has a classified supplement – has a heading for “Communications in Spring/Summer 2016” and “The August 2, 2016 Meeting,” whereas the Mueller Report splits this into “Campaign-Period Contacts” and “Two Campaign-Period Meetings with Konstantin Kilimnik in the United States.”

August 18, 2000: SSCI Report

Finally, there is the substantial section – 142 pages of the 966 page report – of the SSCI Report dedicated to explaining why Paul Manafort was a counterintelligence threat to Donald Trump. This section treats Manafort as a threat because of his close ties to Deripaska and Kilimnik, and as such, SSCI's discussions of those men's roles in the 2016 operation appear in the Manafort section.

As I observed when conducting a similar comparison for Stone, both because the SSCI Report came later and because it is the only

report that attempted to be comprehensive, it included things that weren't included in the earlier reports.

Importantly, for our purpose, the SSCI Report's approach to secrets was different. Whereas the Team M Report included a classified supplement, the SSCI Report included such material in the body of the report. Large swaths of this section were deemed classified when the SSCI Report was released in 2020 and, in spite of the fact that Avril Haines promised a review of these classification decisions, nothing new has been released since.

Here's how the Manafort section of the SSCI Report is organized:

- Introduction and Findings (included three entirely classified bullets on Kilimnik's role in the hack-and-leak)
- Limitations on the Committee's Investigation
- Background on Manafort's Foreign Activities
 - Manafort's Work with Oleg Deripaska
 - Manafort's Influence Operations in Ukraine
 - Manafort's Global Influence Operations for Deripaska
 - Konstantin Kilimnik
 - Pericles
 - Manafort's Work in

Ukraine for the Party of Regions (PoR)

- Manafort's Activities from 2014 until Joining the Trump Campaign
 - Former-PoR Associates in Ukraine
 - Deripaska and Pericles Lawsuit
- Manafort's Activities While Serving on the Trump Campaign
 - Manafort's Entry into the Trump Campaign
 - Kilimnik's Awareness of Manafort's Hiring Before the Public Announcement [including redacted section that, by context, must describe a March 2016 Kilimnik trip to the US]
 - Manafort Announces His Position on the Trump Campaign; Extends Private Offers to Russian and Ukrainian Oligarchs
 - [Heavily redacted section on] Kilimnik and Deripaska's Activities in April
 - Manafort and Kilimnik Meet in New York City; Discuss Ukraine, Trump Campaign Strategy;

Sharing of Internal Trump Campaign Polling Data with Kilimnik Begins

- Manafort Offers to Brief Deripaska Through Kilimnik and Boyarkin; Kilimnik Appears to Have Insider Knowledge of Trump Campaign; [redacted] and Kilimnik Coordinate on [redacted] [includes redacted sections addressing Steele Report]
- Manafort Meets with Kilimnik at the Grand Havana Room in New York City; They Discuss Polling Data, Ukraine Plan, and Debts
 - Internal Polling Information and Trump Campaign Strategy
 - Ukraine Peace Plan
- [Heavily redacted section on] Possible Connections to GRU Hack-and-Leak Operation
- The “Ledger” and Manafort’s Resignation

- Manafort's Activities For the Remainder of the Campaign
 - Manafort's Continued Contact with the Trump Campaign; Kilimnik's awareness of these contacts
 - Manafort's Involvement in Ukrainian Government Outreach to the Campaign
- Manafort's Activities After the Election
 - [Redacted] Kilimnik Seeks to Leverage His Relationship with Manafort; Coordinates [redacted]
 - Manafort and Kilimnik Communicate with Yanukovych in Russia Related to Ukraine Plan; Attempt Communications Countermeasures
 - [Redacted] Kilimnik and Boyarkin Arrange Meeting for Manafort in Madrid; Manafort [redacted]
 - Kilimnik and Lyovochkin Travel to Washington D.C. for Inauguration, Meet with Manafort and Discuss Ukraine

- Kilimnik and Manafort Meet in Madrid; Discuss Counter-Narratives and Ukraine
- [Significantly Redacted] Russian Influence Operations to Undermine Investigations into Russian Interference [includes developments through late 2019, including Rudy Giuliani-related activities of John Solomon]
- Manafort's Continued Efforts with Kilimnik on Ukraine; Kilimnik's Own Continued Activities [includes 8 mostly-redacted pages going through 2020]
- Manafort and Gates Communications Regarding Investigations
- Manafort's Associates Ties to Russian Intelligence Services [Heavily redacted]
 - Oleg Deripaska and His Aides
 - Deripaska's Kremlin Ties
 - Deripaska's "Chief of Staff": Viktor

- Boyarkin
- Deripaska's Strategic Advisor: Georgy Oganov
- Deripaska's Role in Russian Active Measures in Montenegro
- Deripaska's Involvement in Other Russian Active Measures
- Deripaska's Connections to Hacking Operations
- Konstantin Kilimnik

The section of the Manafort materials dedicated to limitations on SSCI's investigation makes it clear that it relies, in significant part, on the Mueller Report, with all the limitations on *that* given Manafort's obstruction. That said, the SSCI Report scope goes through 2019, so obviously also includes later intelligence reporting for many of the mostly redacted later passages. Yet the SSCI Report includes great swaths of material that appear nowhere in the public Mueller materials – save, perhaps, in the classified supplement referenced in the Team M Report. That includes March 2016 visits – seemingly by both Kilimnik and Deripaska – to the US, as well as something that happened in April 2016 more closely linked to Trump's campaign.

These vast redactions – going to core issues of the Mueller investigation, such as whether Trump's own campaign manager and the campaign manager's life-long rat-fucker friend had a direct role in the hack-and-leak campaign and

disinformation injected through the Steele dossier – likely reflect both the redacted sections in the earlier reporting and, more importantly, the classified supplement of the Team M Report.

That all means it was likely that, when Trump fired Jeff Sessions in November 2018, the Mueller team had evidence directly linking Manafort, through Kilimnik and through him to Deripaska, to the hack-and-leak operation.

That may explain why Weissmann wanted to ensure his team captured their findings in the Team M Report.