

A WARNING ABOUT HYPE SURROUNDING THE MANAFORT TAX EVASION TRIAL

As I laid out a few weeks ago, 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.

Because Mueller has already obtained the testimony of chatty Trump allies who promptly leaked the content of their interviews to the press, the constant stream of easy updates on the Mueller inquiry has dried up. No outlet has thus far invested in the critical thinking to figure out the publicly available side of what I reported to the FBI that subsequently got moved under Mueller. No one has thought about why Michael Cohen's very competent attorney is letting him leak to the press rather than (or, at best, in parallel with) offering a proffer to the Feds. Instead, outlets are dedicating front page space to recycled stories they first reported three months earlier. We actually spent half the day Friday getting our fix from the news that Don Jr and Robert Mueller not only had reason to fly out of National Airport's shitty 35X gate, but were doing so at the same time (for the record, I would have been in the 35X terminal with Trey Gowdy Thursday, but he apparently got rebooked from a badly delayed Greenville flight onto an on-time Charlotte one across from 35X; he wore shades right up to boarding the plane to avoid detection but that didn't thwart my powers of observation).

We've hit the summer doldrums of the non-stop Mueller inquiry news addiction and things are getting bleak.

Perhaps because of that, news outlets are hugely hyping the Paul Manafort trial, due to start on Tuesday. Here's Politico reporting "Risks pile up for Trump as Manafort heads to trial." And here's WSJ claiming "Manafort Trial Holds Big Implications for Russia Probe." [Update: Here's the WaPo contribution to the hype; I make some specific compliments and criticisms of it in this thread.]

Yes, it is true that (as both Politico and WSJ point out) there will be a small campaign angle to the trial: Mueller's team wants to explain how Manafort got a \$16 million loan from Chicago's Federal Savings Bank by promising its Chairman, Stephen Calk, a position in the Trump Administration. But that's garden variety sleaze, not conspiring with Russia.

It's also true we'll get salacious new details on the luxury goods Manafort used to launder money. But most of that, including details of a bizarre arrangement with the local antique rug shop, have already been stipulated in pre-trial filings. Manafort is even trying to get details of his ties to Viktor Yanukovich excluded from the trial, but in doing so, he released a ton of documents that the press has already mined for worthwhile reporting.

It's also possible that Manafort will decide, between today and Tuesday, to cooperate with Mueller rather than face a fairly straightforward trial, or that a guilty verdict in four weeks time will induce him to cooperate. Thus far, there's little sign of that, and a guilty verdict will have no immediate change on his jailhouse conditions that might persuade him to cooperate. Any federal sentence will ultimately be served in conditions better than the ones he currently is in at Alexandria jail.

Barring some unexpected jury intransigence or judicial rulings, it still looks like Manafort's best shot to avoid spending the rest of his life in prison is a pardon, and he looks to be operating accordingly, imposing as much reputational damage to Mueller as possible,

without budging on his willingness to stay the course in apparent expectation he'll be rewarded at some point in the future.

Aside from Rick Gates – who is sure to be beat up by Manafort's attorneys – the most interesting witness who might testify at trial is Bernie Sanders' former campaign manager Tad Devine, who would testify about PR work done before 2014. We'll have to wait to see Tony Podesta and Vin Webber and similarly illustrious people testify for the DC trial, if it happens. This trial is just the appetizer course for the feast on sleazy DC influence peddling we'll get in September, if the DC trial actually happens.

The newsworthiness of the trial will be limited further still by the outdated policies of the courthouse, EDVA. No devices are permitted in the courthouse, which means there will be no real time coverage. To break news, you have to leave the courthouse, and go to your (meter parked) car or the cafe where you've left your device across the square to report out. As a result, any "breaking" scoops will likely come from less responsible journalists with less grasp of both how trials and Judge TS Ellis works (as we saw earlier this year, when Daily Caller led everyone to believe one of Ellis' typical rants indicated trouble for Mueller). Responsible journalists (Josh Gerstein and Zoe Tillman are particularly good bets for this trial) will sit through the entire proceeding before reporting out something more measured.

This is a tax trial, not a spy trial. Financial experts call it a "paper trial," meaning the jurors will weigh dry documentary evidence rather than the reliability of unreliable witnesses (like Gates), which makes the outcome more predictable, though in no way guaranteed.

One of a slew of reasons why I declined an offer to cover this trial is I expect any interesting Mueller news to happen elsewhere – perhaps in his apparent relentless pursuit of testimony from Roger Stone's allies, perhaps in the negotiations over Julian Assange's continued

residence in Ecuador's embassy, perhaps even in fallout from Mariia Butina's arrest (though Butina is not a Mueller case, in spite of what some outlets will tell you). I didn't want to miss such news because I was stuck in a court room watching witnesses talking about financial documents.

Undoubtedly, the trial will be well-watched and in some outlets well-reported. It will teach a lot of people about how white collar trials of privileged defendants work. It may well be the rare moment when a white collar criminal faces consequences for his acts.

But don't rest your hopes for continued Mueller disclosures on the Manafort trial.