

ON THE EXONERATING INFORMATION RICK GATES JUST PROVIDED

Yesterday, the government submitted a notice clarifying the record on the Paul Manafort breach determination. The bulk of the filing describes that, after reading about the dispute in public reporting on the topic, Rick Gates provided additional information on the topic that may corroborate part of Manafort's story.

The new Gates information necessarily pertains to the sharing of polling data. That's clearly true because it discusses all the same evidence the government used to substantiate Manafort's lies about the polling data:

- Multiple Rick Gates 302s
- Some other fact about August 2, perhaps the clandestine nature of the meeting
- Kilimnik emails discussing the polling data (I now realize that the government's declaration makes it clear they have 8 emails referencing the polling data)
- A Paul Manafort email telling Gates to print out the polling data, with the polling data attached

Here's where that evidence shows up in the filing:

██████████ The January 14, 2019 Declaration In Support of the Government's Breach Determination and Sentencing cited the following multiple strands of evidence in support of the position that Manafort lied when he denied ██████████
██████████; (1) Gates' various statements documented in FD 302s (*see* Declaration ¶ 54); (2) Kilimnik's emails referencing ██████████ (*id.* ¶ 55); (3) the fact that Manafort and Gates ██████████; and (4) the fact that on ██████████
██████████" and attached ██████████
(Declaration ¶ 56). With respect to the ██████████, the Declaration stated, ██████████

In addition, that passage cites paragraphs of the declaration, ¶55 and ¶56, that by structure necessarily deals with the sharing of poll data.

At first, I thought Gates' new information corroborated the NYT story about Manafort sharing data with Kilimnik twice, once in May and once in August. But I now lean towards the new information corroborating Manafort's story that he asked Gates to print out that data for a campaign meeting that day.

I say that in part because the order in which the corroboration was treated, with Manafort's email coming last. In addition, this passage seems to reflect Gates using the poll data to prepare for a meeting.

8, 2017. The Court referred to the ██████████ issue in the February 13, 2019 hearing.² During the February 15, 2019 interview, Gates said he remembered that he used ██████████
██████████ in preparing for the ██████████
██████████

As to this passage, I suspect it clarifies that just one of the oligarchs that Manafort intended to receive the data was Russian – Oleg Deripaska – and that (as Andrew Weissmann appeared to say at one point) the other recipients were his Ukrainian paymasters.

The government also seeks to advise the Court that the reference in the February 13 transcript to [redacted] and [redacted] as [redacted] should instead identify each [redacted].⁷ While [redacted] is [redacted], both [redacted] and [redacted] are [redacted]. See January 31, 2018 Gates 302, at 2 (Exhibit [redacted]) (“[redacted] [redacted]”); see also February 12, 2018 Gates 302, at 3 (“[redacted] [redacted] (Exhibit D).

The transcript appears to have been corrected on that point. If that is the only change, it wouldn't really change the key fact that Manafort shared data with a guy who was a central player in the election year conspiracy.

ABJ hasn't demanded any additional briefing on this topic, so she may agree with the government that the issue of the email doesn't otherwise change her ruling. As the government notes, Gates' self-correction makes him more credible, and suggests the story he is telling – which appears to sustain the same explanation for the August 2 meeting – is as helpful to Manafort as possible, which is not at all.

Update: In her minute order on this (doing nothing about the breach determination), ABJ did indeed order the passage (page 36 line 16) where she discussed the recipients of the data to be corrected, making it virtually certain Manafort shared the data with one Russian and two Ukrainian oligarchs.

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.