

ON ONCE AND FUTURE MUELLER GRAND JURIES: THE TEXTS OBTAINED FROM ANDREW MILLER OVERLAP WITH ROGER STONE'S VOTER SUPPRESSION

Yesterday, two events provided an indication of how extensive what at one time was the Mueller investigation was.

First, Chief Judge Beryl Howell unsealed enough of the Mystery Appellant challenge to reveal that that part of the investigation started in the DC US Attorney's Office before Mueller got hired and continues. The Mystery Appellant started turning over stuff voluntarily last December, but prosecutors believe it withheld information. Mystery Appellant very clearly waited Mueller out, and it appears that prosecutors did not expect Mueller to finish when he did (which may suggest Bill Barr did shut Mueller down early). The government seems to have a pretty clear idea of what Mystery Appellant withheld.

One of the prosecutors on the case is one of the ones that picked up Paul Manafort's case.

I'll write more about what the Mystery Appellant shows up later.

The other piece of news is that Roger Stone's associate, Andrew Miller, actually testified before a different grand jury, not the Mueller one, and got a follow-up subpoena requiring him to produce all his texts with Roger Stone from October 2016 to March 2017.

A former aide to political operative Roger Stone has turned over to a grand jury all of his text messages with Stone

from October 2016 to March 2017, as well as the written agenda for Stone while he was at the Republican National Convention in 2016.

The aide, Andrew Miller, turned over the documents in response to a federal grand jury subpoena following his two-hour testimony last Friday before the body, according to communications between Miller's lawyer and the government that were reviewed by POLITICO.

[snip]

Adding to the intrigue is the fact that Miller testified before a new grand jury rather than the one convened by Mueller that Miller was initially fighting, and that he was held in contempt over.

That may explain a few of the things we've seen recently.

First, recall that Mueller announced, on short notice, that he was done once Miller agreed to testify, but quit before he did testify (Mueller actually quit minutes before the hearing where Howell forced Miller to testify). I wondered then if there was some jurisdictional reason he did that, and this second grand jury may be the reason: that Mueller used his authority to ensure Miller did testify, but resigned in a way to ensure that the other grand jury had uncontested jurisdiction over this.

Now consider this redaction in the Mueller Report showing what appear to be two issues referred elsewhere.

14. [REDACTED] (b)(6)/(b)(7)(C)-3
[REDACTED] (b) (6), (b) (7)(A), (b) (7)(B), (b) (7)(C) (b)(6) / (b)(7)(C)-3
[REDACTED]
[REDACTED] (b) (6), (b) (7)(A), (b) (7)(B), (b) (7)(C) (b)(6) / (b)(7)(C)-3
[REDACTED]

The redaction btC-3 shows it pertains to either Stone or his case. I *had* suggested that it might

be WikiLeaks (this part of the list is in alpha order). But MelissaN suggested it may be Roger Stone himself. This second grand jury (and a Rod Rosenstein comment that the WikiLeaks investigation never left EDVA) may support that.

Now consider the timeline in this post. It shows that the Stone dark money group that he used to prep claims that Hillary was stealing the vote, Stop the Steal, was active during precisely the period the government asked for Miller's texts with Stone (this was the second incarnation of this group—Stone used an earlier one to harass Ted Cruz voters in advance of the GOP Convention). Indeed, the group pays Miller \$5,000 right at the beginning of it (though he also received a few payments from Stone during the summer).

October 4, 2016: Stone tells Bannon to get Rebekah Mercer to send money for his “the targeted black digital campaign thru a C-4”

Following October 5, 2016: Mariia Butina and Aleksandr Torshin discuss whether she should serve as a US election observer; Torshin suggests “the risk of provocation is too high and the ‘media hype’ which comes after it,” but Butina suggests she would do it “Only incognito! Right now everything has to be quiet and careful.”

October 13, 2016: Stop the Steal pays Andrew Miller \$5,000

October 23, 2016: Stone tweets out message saying Clinton supporters can “VOTE the NEW way on Tues. Nov 8th by texting HILLARY to 8888”

October 28, 2016: GRU officer Anatoliy Kovalev and co-conspirators visit websites of counties in GA, IA, and FL to identify vulnerabilities

October 30, 2016: Ohio Democratic

Party sues Ohio Republican Party to prevent Stop the Steal voter suppression; Democrats also sue in NV, AZ, and PA

November 3, 2016: Filings in ODP lawsuit describing Stop the Steal (declaration, exhibits)

November 4, 2016: Judge James Gwyn issues Temporary Restraining Order against Trump, Stone, and Stop the Steal

November 4, 2016: Guccifer 2.0 post claiming Democrats may rig the elections

November 7, 2016: Sixth Circuit issues a stay in OH TRO

December 14, 2016: Women versus Hillary gives \$158.97 to CRAG

December 19, 2016: Stop the Steal pays \$5,000 to Alejandro Vidal for "fundraising expenses"

December 19, 2016: Stop the Steal pays \$3,500 to C Josi and Co.

December 21, 2016: Stop the Steal pays \$1,500 to The Townsend Group

December 27, 2016: Stop the Steal pays \$3,500 to Kristen [sic] Davis

December 28, 2016: Stop the Steal gives \$94 to CRAG

December 29, 2016: Stop the Steal pays Jerry Steven Gray \$4,000 for "fundraising expenses"

December 30, 2016: Stop the Steal pays 2,692 total to unnamed recipients

January 19, 2017: Stop the Steal pays \$5,000 for fundraising expenses to Alejandro Vidal

February 8, 2017: Stop the Steal pays Kristen [sic] Davis \$3,500 for

“fundraising expenses”

February 15, 2017: Stop Steal pays Brad Boeck \$862 for sales consultant consulting fee

Remember, too, that Andrew Miller once said he’d invoke the Fifth if asked to testify about his role in these dark money groups.

Miller had asked for “some grant of immunity” regarding financial transactions involving political action committees for which he assisted Stone, according to Alicia Dearn, an attorney for Miller.

On that issue, Miller “would be asserting” his Fifth Amendment right to refuse to answer questions, Dearn said.

And consider that wire fraud variously appeared among the crimes listed on the various warrants targeting Stone (these particular warrants would likely have been the ones issued during the period when Miller was most actively challenging his subpoena).

- Beryl Howell, CFAA: include “all crimes” (18 U.S.C. § 3 (accessory after the fact); 18 U.S.C. § 4 (misprision of a felony); 18 U.S.C. § 371 (conspiracy); 18 U.S.C. §§ 1505 and 1512 (obstruction of justice); 18 U.S.C. § 1513 (witness tampering); 18 U.S.C. § 1343 (wire fraud); 18 U.S.C. § 1349 (attempt and conspiracy to commit wire fraud), and 52 U.S.C. § 30121 (foreign contribution ban)

- Beryl Howell, CFAA: includes “all crimes”
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- Beryl Howell, CFAA: ¶¶ 35-40 discuss Stone’s communications with WikiLeaks and Julian Assange: includes “all crimes”
- Rudolph Contreras, CFAA: ¶ 24 discusses private Twitter message between Stone and Guccifer 2.0: includes “all crimes”
- James Boasberg, CFAA: includes “all crimes”
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All of that would be consistent with the possibility that Mueller formally referred (rather than simply passing off) two distinct investigations as he finished up, based on these interim warrants that included wire fraud, one of which focuses on his voter suppression efforts.

Finally, note that by referring this, Mueller may have put it in a place where the decisions Rod Rosenstein made about how aggressively to charge crimes would no longer hold.

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.