

# **“WINK:” WHERE JEFF GERTH’S “NO THERE, THERE” IN THE RUSSIAN INVESTIGATION WENT**

On July 28, 2017, Robert Mueller’s investigators served two warrants on the company (probably Rackspace) that hosted Paul Manafort’s DMP emails to obtain Manafort, Rick Gates, and Konstantin Kilimnik’s company emails.

Mueller obtained several things with that warrant that remain unresolved. Those are just some of the many things about the Russian investigation – the one Jeff Gerth claims had no there, there – that remain unanswered, four years after Mueller closed up shop.

## **Manafort’s lies about the plan to carve up Ukraine**

One thing Mueller obtained with that warrant would have been an email Manafort sent Konstantin Kilimnik on April 11, 2016, “How do we get whole” with Oleg Deripaska, Manafort asked. The email showed that Manafort was using his position as the “free” campaign manager for Donald Trump to fix his legal and financial woes.

Another was an email Kilimnik wrote, but did not send, on December 8, 2016, but which Manafort knew to and did read, a “foldering” technique to prevent interception also used by terrorists. The email referenced a plan to carve up Ukraine that Kilimnik had first pitched to Manafort on August 2, 2016.

Russians at the very top level are in principle not against this plan and will work with the BG to start the process of uniting DNR and LNR into one entity,

with security issues resolved (i.e. Russian troops withdrawn, radical criminal elements eliminated). The rest will be done by the BG and his people.

[snip]

All that is required to start the process is a very minor 'wink' (or slight push) from DT saying 'he wants peace in Ukraine and Donbass [sic] back in Ukraine' and a decision to be a 'special representative' and manage this process.

The email – and a text Kilimnik sent around the same time – talked about “recreating old friendship” with Deripaska at an in-person meeting. Less than a month later, Manafort flew to Madrid and met with a different Deripaska associate.

Six years later, we don't know the fate of Manafort's efforts to “get whole” with Deripaska, to recreate that old friendship.

It's something that Manafort promised to tell Mueller's prosecutors on September 13, 2018, when he entered into a plea agreement that averted a damaging trial during the election season. But it's something that, Judge Amy Berman Jackson found, Manafort lied to hide from prosecutors in the ensuing weeks. We know that the last thing on Manafort's schedule before he met with Kilimnik on August 2, 2016 was a meeting with Trump and Rudy Giuliani. We know that during the period when Manafort was lying to hide what happened with this plan to carve up Ukraine, his lawyer was speaking regularly with Trump's lawyer, Rudy Giuliani. We know that during the period when Rudy Giuliani was seeking campaign assistance from Ukraine, he was consulting with Manafort. We know that Trump tried to coerce Volodymyr Zelenskyy to enter into a quid pro quo on July 25, 2019, but was caught by a whistleblower. We know that Bill Barr went to extraordinary lengths to protect

Rudy Giuliani from any consequences for his dalliance with Russian agents in Ukraine.

We know that on December 24, 2020, Donald Trump pardoned Manafort, rewarding him for his lies. Yesterday, a judge in Florida approved a \$3 million fine to settle Manafort's failure to reveal the money he earned from working in Ukraine, money Manafort got to keep as a result of Trump's pardon.

SDNY alleges that even as Manafort was lying about his plans with Kilimnik in September 2018, a different Deripaska associate was cultivating recently retired FBI Special Agent in Charge Charles McGonigal, someone who could tell him about what DOJ was learning (or not learning) from Manafort. We know that Seth DuCharme, who played a key role in Barr's efforts to protect Rudy, now represents McGonigal.

We know that after Trump's efforts to exploit dirt from Ukraine failed and Joe Biden became President, Russia expanded its invasion of Ukraine, trying to achieve by force what it attempted to achieve by coercing Trump's "free" campaign manager and his personal attorney.

When I wrote the last installment of my series demonstrating the false claims about "Russiagate" made by Jeff Gerth, I wrote a long passage (included below) that showed what Mueller was discovering in August 2017, a period when Gerth falsely claimed prosecutors had determined there was "no there, there" to Trump's ties to Russia.

There was not only a lot there, where Gerth never bothered to look. In fact, the "there, there" remains unresolved and raw, six years later.

## **The investment in Michael Cohen**

Take the investigation into Michael Cohen. One thing Mueller would discover in August 2017 is

that Trump Organization was not fully complying with subpoenas, at least not subpoenas from Congress. As I noted in my piece, Mueller almost certainly obtained an email with an August 1, 2017 warrant that showed Michael Cohen had direct contact with the Kremlin during the campaign. The email also showed, Mueller would learn once Felix Sater and Cohen began to explain this to investigators, that Cohen and Trump were willing to do business with a former GRU officer and sanctioned banks in pursuit of an impossibly lucrative real estate deal in Moscow. The email obtained in August 2017 was proof that Trump was publicly lying about his ongoing pursuit of business in Russia. And for two more years, Trump kept that secret from the American public. That entire time, Russia knew he was lying to the American people. Russia knew, the American public did not.

Mueller got that email by asking Microsoft, not Trump Organization, for the email. But shortly after Mueller did so, Microsoft made it far harder to obtain enterprise emails without notifying Microsoft's client. There are other questions about missing records – such as a letter Trump sent to then Deputy Prime Minister Sergei Prikhodko – that might have been answered with more records from Trump Organization.

There's also the matter of the big infusion of money – more than \$400,000 over the course of a few months – that Cohen got from a Columbus Nova, an investment fund controlled by Russian oligarch Viktor Vekselberg. Mueller investigated whether the money had some tie to the *different* Ukrainian peace deal that Felix Sater got Cohen to bring to the White House.

It didn't. As Cohen explained to Mueller in 2018, he got the money to explain how Trump worked to Andrew Intrater, who claimed to be looking to spend money on an infrastructure project in the US.

The pitch was to assist in Columbus Nova's infrastructure fund. [redacted] invests in several different areas. At

the time, there were discussions of significant foreign investment interest dedicated to U.S. infrastructure.

[snip]

In Cohen's discussions with [Intrater] Cohen did not provide any non-public information. Cohen was not selling non-public information. Cohen could assist [Intrater] because Cohen understood Trump and what Trump was looking for.

But the payment, while legal, remains dodgy as hell.

Republicans, certainly, don't want to talk about it. When Mark Meadows accused Cohen of omitting his contracts with foreign companies at his 2019 testimony before the Oversight Committee, Trump's future Chief of Staff made no mention of Columbus Nova.

Mr. MEADOWS. Mr. Cohen, I'm going to come back to the question I asked before, with regards to your false statement that you submitted to Congress. On here, it was very clear, that it asked for contracts with foreign entities over the last two years. Have you had any foreign contract with foreign entities, whether it's Novartis or the Korean airline or Kazakhstan BTA Bank? Your testimony earlier said that you had contracts with them. In fact, you went into detail—

Mr. COHEN. I believe it talks about lobbying. I did no lobbying. On top of that they are not government—

Mr. MEADOWS. In your testimony – I'm not asking about lobbying, Mr. Cohen.

Mr. COHEN. They are not government agencies. They are privately and—

Mr. MEADOWS. Do you have—do you have foreign contracts—

Mr. COHEN [continuing]. publicly traded companies.

Nor did Republicans include Nova in the FARA referral they sent to DOJ.

But Viktor Vekselberg was among the oligarchs Treasury would sanction in in 2018, along with Deripaska and Alexandr Torshin, and he was among the first people hit with expanded sanctions last year, after the invasion.

A December 2018 article about those payments to Cohen and the sanctions against Vekselberg was likely the article that Vekselberg associate Vladimir Voronchenko was sharing in 2018, which was cited as proof he knew of the sanctions, in his indictment for maintaining Vekselberg's US properties in his own name after Vekselberg was sanctioned. Today, the government started the process of seizing Vekselberg's US properties.

And questions about whether Vekselberg is influencing politics through his cousin, Intrater, have been renewed amid disclosures about Intrater's big funding for the imposter Congressman George Santos.

## **“Sort of a spy deal going on”**

Then there's the matter of Julian Assange, whose extradition remains hung up at the final approval stage.

When Candace Owens confronted Trump about why he didn't pardon Assange last year, he got really defensive, folding his arms. He explained, seemingly referring to Assange and probably referencing the Vault 7 and Vault 8 releases of stolen CIA hacking tools, “in one case, you have sort of a spy deal going on ... there were some spying things, and there were some bad things released that really set us back and really hurt us with what they did.”

But Twitter DMs Mueller obtained with the first August 2017 warrant targeting Roger Stone showed that, in the wake of Mike Pompeo's designation of WikiLeaks as a non-state intelligence service in the wake of that release, Stone and Assange discussed a pardon. On June 4, 2017, Stone said, "I don't know of any crime you need to be pardoned for." On June 10, Stone told Assange, "I am doing everything possible to address the issues at the highest level of government."

Nine days later, on June 19, 2017, Trump ordered Corey Lewandowski to order Jeff Sessions to limit the investigation to prospective meddling from Russian, an order that – had Lewandowski obeyed – would have had the effect of shutting down the entire investigation, including that into Assange's role in the hack-and-leak.

Texts obtained from Stone much later would show that he and Randy Credico discussed asylum for Assange on October 3, 2016 – *before* WikiLeaks started releasing the John Podesta emails.

A screenshot of a text message conversation between Randy Credico and Roger Stone. The messages are as follows:

- Randy Credico: "Why can't you get Trump to come out and say that he would give Julian Assange Asylum" (8:16 PM)
- Randy Credico: "Off the Record Hillary and her people are doing a full-court press they keep Assange from making the next dump" (10:45 PM)
- Randy Credico: "That's all I can tell you on this line" (10:46 PM)
- Randy Credico: "Please leave my name out of it" (10:46 PM)
- Roger Stone: "So nothing will happen tonight?" (10:55 PM)
- Randy Credico: "tuesday" (11:02 PM)
- Randy Credico: "There is so much stuff out there" (11:02 PM)
- Randy Credico: "There will be an announcement but not on the balcony" (11:03 PM)
- Randy Credico: "And by the way your friend did not have a meeting with Julian Assange that's a complete lie" (11:08 PM)
- Roger Stone: "He scheduled a press conf at 3 am our time" (11:09 PM)
- Roger Stone: "How would u know, rummy?" (11:10 PM)
- Randy Credico: "Because I'm best friends with his lawyer and leave it at that and leave it alone" (11:16 PM)

And Credico had set Stone up to discuss the

pardon with Margaret Kunstler by November 15, 2016.

Stone claimed to be pursuing a pardon for Assange at least through early 2018. It was only after Mueller asked Trump about such pardon discussions in September 2018 that Don Jr's close friend Arthur Schwartz told Cassandra Fairbanks the pardon wouldn't happen.

Those pardon discussions are just one of the things that Stone held over Trump's head to ensure he'd never do prison time.

Stone kept a notebook of all the conversations he had with Trump during the 2016 election. He may have brought it with him to a meeting he had with Trump in December 2016.

After the win, STONE tried a full court press in order to get a meeting with TRUMP. [redacted] eventually set up a meeting with TRUMP and STONE in early December 2016 on the 26th floor of Trump Tower. TRUMP didn't want to take the meeting with STONE. TRUMP told BANNON to be in the meeting and that after 5 minutes, if the meeting hadn't concluded, to throw STONE out. STONE came in with a book he wrote and possibly had a folder and notes. [full sentence redacted] TRUMP didn't say much to STONE beyond "Thanks, thanks a lot.". To BANNON, this reinforced STONE [redacted] After five to six minutes, the meeting was over and STONE was out. STONE was [redacted] due to the fact that during the meeting TRUMP just stared.

After Stone was convicted of lying to cover up the real nature of his contacts with Russia during the election, he lobbied for a pardon by claiming, repeatedly and publicly, that prosecutors offered him a deal if he would reveal the content of the phone conversations he had with Trump during the election.

On December 23, 2020, Stone got that pardon. Four days later, Stone and Trump spoke about January 6 at Mar-a-Lago. That same day, also at Mar-a-Lago, Kimberly Guilfoyle, started the planning for Trump to speak (at that point, the plan included a march to the Capitol).

Earlier this month, DOJ included Stone's contacts with Proud Boy Dan Scott at a January 3 Florida rally in Scott's statement of offense for attempting to obstruct the January 6 vote certification. It included Stone's ties to various Oath Keepers as part of the proof DOJ used to prosecute Stewart Rhodes of sedition.

## **"The boss is aware"**

It took an extra week for prosecutors in the Mike Flynn case to get approval for his sentencing memo in early 2020. So senior officials at DOJ had to have approved of the explanation of why Flynn's lies about calling the Russian Ambassador to undermine Obama's sanctions on Russia were serious. "Any effort to undermine the recently imposed sanctions, which were enacted to punish the Russian government for interfering in the 2016 election," the memo explained, "could have been evidence of links or coordination between the Trump Campaign and Russia."

From the time that Mueller's team obtained KT McFarland's transition device and email on August 25, 2017, they had reason to believe Flynn's calls with the Russian Ambassador were a group affair, not (as Trump had claimed) simply Flynn's doing. McFarland's emails showed that *before* Flynn called Kislyak, he had received an email from Tom Bossert reporting on what Lisa Monaco told him about Russia's response to the sanctions, immediately after which he spoke to McFarland from his hotel phone for 11 minutes.

Mueller came pretty close to concluding that was why Flynn intervened with the Russian Ambassador, too. "Some evidence suggests that the President knew about the existence and

content of Flynn's calls when they occurred," the Mueller Report explained in laying out reasons why Trump might have wanted to fire Jim Comey. "[B]ut the evidence is inconclusive and could not be relied upon to establish the President's knowledge." That's because, after first denying that such calls happened at all, KT McFarland ultimately claimed not to remember telling Trump about the calls and Steve Bannon claimed not to remember discussing it with Flynn.

That was the conclusion Mueller reached in early 2019, a conclusion that already didn't account for the fact that Flynn called the Russian Ambassador from a hotel phone, not his cell, or that he admitted that he and McFarland had deliberately written a text to cover up the contact. But the following year, in his effort to protect Trump, Bill Barr and other Republicans made available multiple pieces of evidence that make Trump's knowledge of Flynn's contacts more clear.

For example, after the House Intelligence Committee transcripts came out in 2020, it became clear that the White House had used Steve Bannon's two appearances, with the assistance of Devin Nunes, to script certain answers. One of those answers denied continuing to discuss how to end sanctions against Russia after the inauguration. That scripting process happened between the time Flynn pled guilty and the time Bannon first denied remembering knowing of the sanctions discussion. Effectively, the White House scripted Bannon to deny knowledge of those sanction discussions in December 2016.

Then, in September 2020, as part of his efforts to justify overturning the prosecution of Flynn, Barr released the interview report from FBI agent Bill Barnett, who reportedly sent pro Trump texts on his FBI issued phone. It described how, after refusing to take part in that part of the Flynn investigation four different times, he nevertheless, "decided to work at the SCO hoping his perspective would

keep them from 'group think.'" He described being told that "was the only person who believed MCFARLAND was not holding back the information about TRUMP's knowledge of [the sanction discussions]." He then asked a series of questions that would provide space for a denial: "BARNETT asked questions such as 'Do you know that as a fact or are you speculating?' and 'Did you pass information from TRUMP to FLYNN?'"

Importantly, Barnett claimed it was "astro projection" that Trump directed Flynn's contacts with the Ambassador.

He said that even after John Ratcliffe declassified the evidence that Mueller could never have used in the investigation, but which proved it wasn't projection at all: the transcripts of Flynn's calls with then-Ambassador Kislyak. They reveal that in the call on December 31, 2016, which Kislyak made to tell Flynn that "our conversation was also taken into account in Moscow" when Putin decided not to retaliate against the US for its sanctions, Flynn told Kislyak that "the boss is aware" of a plan to speak the day after Trump would be inaugurated. That would only be possible had Flynn either told Trump directly or had McFarland passed it along.

Once Barr came in, Flynn attempted to unwind all the things he had said to Mueller, directly contradicting multiple sworn statements. Just weeks after DOJ noted the centrality of Flynn's lies to the question of whether Trump attempted to reverse sanctions just after Russia helped get him elected, Barr, too, joined the process of attempting to reverse the impact of the things Flynn had admitted to under oath. That effort extended to introducing notes with added, incorrect dates that Trump used in an effort to blame Biden for the investigation into Flynn. "We caught you," Trump claimed to Biden in a prepared debate attack about the investigation that showed how his team first contacted Obama's team to learn what they knew of the Russian response to sanctions, minutes before they

called Russia to undermine those sanctions.

On November 25, Trump pardoned Flynn not just for his lies about the calls to the Russian Ambassador and working for Türkiye, but for any lies he told during the period he was reneging on his plea agreement. That same week, Flynn and Sidney Powell were in South Carolina together plotting ways to undermine Joe Biden's election. Three weeks later, they would pitch Trump on a plan to seize the voting machines so he could stay in office.

When Bill Barr wrote his corrupt memo claiming there was no evidence that Trump obstructed the Mueller investigation, he was silent about the topic he had admitted, three times, would amount to obstruction: those pardon dangles. Those pardons aren't just proof that Trump obstructed the investigation, stripping prosecutors of the leverage they might use to get Paul Manafort, Roger Stone, and Mike Flynn to tell the truth. But they're also some of the most compelling proof that the secrets Stone and Manafort kept would have confirmed the suspicions that Trump coordinated with Russia in an attack on US democracy.

Update, 3/14: Corrected that Mueller closed up shop four years ago, not three. Time flies!

## Links

CJR's Error at Word 18

The Blind Spots of CJR's "Russiagate" [sic] Narrative

Jeff Gerth's Undisclosed Dissemination of Russian Intelligence Product

Jeff Gerth Declares No There, Where He Never Checked

"Wink:" Where Jeff Gerth's "No There, There" in the Russian Investigation Went

My own disclosure statement

An attempted reconstruction of the articles Gerth includes in his inquiry

A list of the questions I sent to CJR

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Just days earlier, on July 28, 2017, DOJ had already established probable cause to arrest George Papadopoulos for false statements and obstructing the investigation. His FBI interviews in the days after August 2 would go to the core questions of the campaign's knowledge and encouragement of Russia's interference. On August 11, Papadopoulos described, but then backed off certainty about, a memory of Sam Clovis getting upset when Papadopoulos told Clovis "they," the Russians, have Hillary's emails. On August 19, Papadopoulos professed to be unable to explain what his own notes planning a September 2016 meeting in London with the "Office of Putin" meant.

The investigation into Paul Manafort, too, was only beginning to take steps that would reveal suspect ties to Russia. Also on July 28, for example, DOJ obtained the first known warrant including conspiracy among the charges under investigation, and the first known warrant listing the June 9 meeting within the scope of the investigation. On August 17, DOJ would show probable cause to obtain emails from Manafort's business involving Manafort, Gates, and Konstantin Kilimnik that would (among other things) show damning messages sent between Manafort and Kilimnik using the foldering technique, likely including Manafort's sustained involvement in a plan to carve up Ukraine that started on August 2, 2016 (which Gerth omits from his description of that meeting).

Similarly, Mueller was still collecting evidence explaining why Flynn might have lied about his calls with Sergey Kislyak. On August 25, Mueller obtained a probable cause warrant to access devices owned by the GSA showing that Flynn had coordinated his calls with other transition

officials, including those with Trump at Mar-a-Lago, when he called Kislyak to undermine Obama's sanctions against Russia.

Plus, Mueller was just beginning to investigate at least two Trump associates that Rosenstein would include in an expanded scope in October 2017. On July 18, Mueller would obtain a probable cause warrant that built off Suspicious Activity Reports submitted to Treasury. That first known warrant targeting Michael Cohen never mentioned the long-debunked allegations about Cohen in the Steele dossier. Instead, the warrant affidavit would cite five deposits in the first five months of 2017 from Viktor Vekselberg's Renova Group, totaling over \$400K, \$300K in payments from Korean Aerospace Industries, and almost \$200K from Novartis, all of which conflicted with Cohen's claim that the bank account in question would focus on domestic clients. On August 1, Mueller would obtain a probable cause warrant for Cohen's Trump Organization emails from Microsoft. Mueller did so using a loophole that Microsoft would sue to close shortly afterwards, a move which likely stymied the investigation into a suspected \$10 million donation to Trump, via an Egyptian bank, that kept him in the race in September 2016. That warrant for Trump Organization emails likely obtained Cohen's January 2016 contact with the Kremlin – the one not turned over, to Congress at least, in response to a subpoena – a contact that Cohen would lie to Congress about four weeks later.

On August 7, Mueller used a probable cause warrant to obtain Roger Stone's Twitter content, which revealed a mid-October 2016 exchange with WikiLeaks that disproved the rat-fucker's public claims that he had never communicated with WikiLeaks during the campaign (a fact that Gerth gets wrong in the less than 1% of his series he dedicates to Stone). It also revealed that the day after the election, WikiLeaks assured Stone via DM that "we are now more free to communicate." Those communications would, in one week (the subsequent investigation showed), turn

into pardon discussions, which provides important background to the June 2017 Twitter DMs Stone had with Julian Assange, obtained with that August warrant, about “doing everything possible to address [Assange’s] issues at the highest level of Government.”