

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

UNITED STATES OF AMERICA

v.

PAUL J. MANAFORT, JR.,

*Defendant.*

Criminal No. 1:18-cr-00083-TSE

Judge T. S. Ellis, III

**ORAL ARGUMENT REQUESTED**  
May 25, 2018 @ 9:00 a.m.

**MEMORANDUM OF LAW IN SUPPORT OF MOTION TO REQUIRE A HEARING  
REGARDING IMPROPER DISCLOSURES RELATING TO CONFIDENTIAL GRAND  
JURY INFORMATION AND POTENTIALLY CLASSIFIED MATERIALS**

**I. INTRODUCTION**

In the fall of 2016, the former chairman to Donald J. Trump's presidential campaign, Paul J. Manafort, Jr., became the target of an apparent "leaks" campaign conducted by numerous unidentified government officials. Over the following sixteen months, current and former government officials—including law enforcement agents—disclosed confidential and ostensibly classified information to multiple media sources in an effort to substantially prejudice and adversely impact Mr. Manafort. These actions were in violation of the defendant's Fifth Amendment right to due process, his Sixth Amendment right to trial before an impartial jury, and Rule 6(e) of the Federal Rule of Criminal Procedure. The government leaks may have also disclosed classified information, a felony, in violation of 18 U.S.C. § 798. Moreover, it appears that government officials or agents intentionally provided false information to media outlets,

knowing that the information would be widely reported and that the disclosures would unfairly prejudice Mr. Manafort in his efforts to defend himself.

Without question, unauthorized government leaks during criminal investigations and prosecutions create enormous challenges for both the target/defendant and the Court. Such leaks impugn the character of the individual under investigation and substantially undermine a fundamental principle of our judicial system; *i.e.*, the right of the defendant to have the case determined by an impartial jury on the facts.

The case at bar involves a matter of intense national and international attention. From the outset, Mr. Manafort has been on the receiving end of a torrent of negative and apparently false press generated by numerous unlawful disclosures made by individuals within the government. There have been important details reported regarding these sources, and the basis for their inside knowledge. As discussed *infra*, the leakers in these articles are often identified as current and former government officials who have requested anonymity, who admit that they were not authorized to speak, and who were—astoundingly—providing information that was seemingly classified. Although the exact persons are not yet known, they must be identified. At bottom, these government-sourced disclosures have violated the Federal Rules of Criminal Procedure, internal government policies and procedures, federal statutes, and Mr. Manafort's constitutional rights.

Here, an investigation could be done expeditiously. It has been widely reported that Congressional Committees and the Department of Justice have been investigating government leaks related to the investigation of whether there was contact or coordination between the Trump campaign and Russian government officials. Importantly, former FBI Director James Comey, and former FBI Deputy Director Andrew McCabe, have admitted to leaking information to the press

during their tenures at the FBI. Both individuals had direct involvement in the investigation of the Trump campaign. There should be a manageable number of individuals that had access to the leaked information, as the information was confidential and/or classified and, by definition, not widely disseminated. A small sampling of unlawful disclosures made about Mr. Manafort follows.

## **II. UNAUTHORIZED DISCLOSURES OF PROTECTED INFORMATION**

From October 2016 through February 2018, countless press articles were published and disseminated regarding the government's investigation and prosecution of Mr. Manafort. Numerous reports contained information from government sources that was clearly subject to grand jury secrecy, was potentially classified intelligence information, or was simply false. For example:

### **On October 31, 2016, NBC News reported that:**

- The FBI has been conducting a preliminary inquiry into Donald Trump's former campaign manager Paul Manafort's foreign business connections.
- The article cited law enforcement and intelligence sources.

Ken Dilanian, Robert Windrem, William M. Arkin and Tom Winter, *FBI Making Inquiry Into Ex-Trump Campaign Manager's Foreign Ties*, NBC News, Oct. 31, 2016. (Exhibit 1).

### **On February 14, 2017, The New York Times reported that:**

- Phone records and intercepted calls show that members of the Trump campaign and other Trump associates had repeated contact with senior Russian intelligence officials in the year before the election, according to four current and former American officials.
- All of the current and former officials spoke on the condition of anonymity because the continuing investigation is classified.

- The officials stated that one of the advisors picked up on a recorded call was Paul Manafort who was Trump's campaign chairman for several months last year.
- The National Security Agency, which monitors the communications of foreign intelligence services, initially captured calls between Trump's associates and the Russians as part of routine foreign surveillance. After that, the FBI asked the NSA to collect as much information as possible about Russian operatives on the phone calls and to search through troves of previously intercepted communications that had not been analyzed.
- The agency's investigation of Mr. Manafort began last spring as an outgrowth of a criminal investigation into his work for a pro-Russian political party in Ukraine and for the country's former president, Victor Yanukovich. It has focused on why he was in such close contact with Russian and Ukrainian intelligence officials.
- The Bureau did not have enough evidence to obtain a warrant for a wiretap of Mr. Manafort's communications, but it had the NSA scrutinize the communications of Ukrainian officials he had met.

Michael S. Schmidt, Mark Mazzetti and Matt Apuzzo, *Trump Campaign Aides Had Repeated Contacts with Russian Intelligence*, The New York Times, Feb. 14, 2017. (Exhibit 2).

**On March 22, 2017, the Associated Press reported that:**

- People familiar with the relationship between Paul Manafort and Russian oligarch Oleg Deripaska said money transfers to Mr. Manafort amounted to tens of millions of dollars and continued through 2009. They spoke on the condition of anonymity because they were not authorized to discuss secret payments publicly.
- Paul Manafort had been a leading focus of the U.S. intelligence investigation of Trump's associates and Russia, according to a U.S. official. The person spoke on the condition of

anonymity because details of the investigation are confidential. Meanwhile, federal criminal prosecutors became interested in Manafort's activities years ago as part of a broad investigation to recover stolen Ukrainian assets.

Jeff Horwitz & Chad Day, *Before Trump Job Manafort Worked to Aid Putin*, Associated Press, Mar. 22, 2017. (Exhibit 3).

**On March 23, 2017, the Associated Press reported that:**

- Treasury agents in recent months obtained information connected to Paul Manafort's transactions from Cypriot authorities according to a person familiar with the matter who was not authorized to speak publicly.
- The time period covered under the request for Mr. Manafort's transactions from the Treasury Department's Financial Crimes Enforcement Network was not immediately clear.

Jack Gillum, Menelaos Hadjicostis & Eric Tucker, *US Probe of Ex-Trump Aide Extends To Cyprus*, Associated Press, Mar. 23, 2017. (Exhibit 4).

**On April 12, 2017, the Associated Press reported that:**

- Now, financial records newly obtained by the AP confirm that Paul Manafort's firm received at least some money listed in the so called "black ledger."
- Federal prosecutors in the U.S. have been investigating Mr. Manafort's work in Eastern Europe as part of a larger anti-corruption probe.

Jack Gillum, Chad Day and Jeff Horwitz, *Manafort Firm Received Ukraine Ledger Payout*, Associated Press, Apr. 12, 2017. (Exhibit 5).

**On June 3, 2017, the Associated Press reported that:**

- The Special Counsel investigating possible ties between Trump's campaign and the Russian government has taken over a separate criminal probe involving former Trump campaign chairman Paul Manafort.
- The expansiveness of Mueller's investigation was described to the AP. No one familiar with the matter has been willing to discuss the scope of his investigation on the record because it is just getting underway and because revealing details could complicate its progress.
- Sadie Gurman, Eric Tucker, and Jeff Horwitz, *Special Counsel's Trump Investigation Includes Manafort Case*, Associated Press, Jun. 3, 2017. (Exhibit 6).

**On August 4, 2017, CNN reported that:**

- In the summer of 2016, U.S. intelligence agencies noticed a spate of curious contacts between Trump campaign associates and suspected Russian intelligence, according to current and former U.S. officials briefed on the investigation.
- In the months that followed, investigators turned up intercepted communications appearing to show efforts by Russian operatives to coordinate with Trump associates on damaging Hillary Clinton's election prospects, officials said. CNN has learned those communications included references to campaign chairman Paul Manafort.
- The suspect operatives relayed what they claimed were conversations with Mr. Manafort, encouraging help from the Russians.

Evan Perez, Pamela Brown, and Shimon Prokupecz, *One Year Into the FBI's Russia Investigation, Mueller Is On the Trump Money Trail*, CNN, Aug. 4, 2017. (Exhibit 7).

Again, this is but a small sampling of the improper disclosures made by government officials regarding the defendant. Indeed, in the days before the Special Counsel presented superseding indictments in the Eastern District of Virginia and the District of Columbia, numerous news stories—again fueled by government sources—appeared in the media which violated Mr. Manafort’s constitutional rights to due process and trial by an impartial jury. *See, e.g.*, Jason Leopold, Anthony Cormier and Tanya Kozyreva, *Manafort Under Scrutiny for \$40 Million in “Suspicious” Transactions*, BuzzFeed News, Feb. 19, 2018<sup>1</sup> (discussing the Special Counsel’s investigation and noting that “three current and former law enforcement officials said that Mueller’s team is poring over [documents] as it considers leveling new charges against Manafort”); David Willman, *Former Trump Aide Richard Gates to Plead Guilty; Agrees to Testify Against Manafort, Sources Say*, L.A. Times, Feb. 18, 2018<sup>2</sup> (discussing Gates’ anticipated plea “within the next few days” and stating that these individuals “spoke on condition of anonymity, citing a judge’s gag order restricting comments about the case to the news media or public”); Katelyn Polantz and Sara Murray, *Exclusive: A Top Trump Campaign Adviser Close to Plea Deal with Mueller*, CNN, Feb. 17, 2018<sup>3</sup> (anonymous sources stating that “investigators with the special counsel’s office are preparing to file new charges against him, according to people familiar with the probe”).

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<sup>1</sup> Available at: [https://www.buzzfeed.com/jasonleopold/manafort-under-scrutiny-for-40-million-in-suspicious?utm\\_term=.yqR2lEVed#.mj3ym2Yv3](https://www.buzzfeed.com/jasonleopold/manafort-under-scrutiny-for-40-million-in-suspicious?utm_term=.yqR2lEVed#.mj3ym2Yv3) (last accessed Apr. 30, 2018).

<sup>2</sup> Available at: <http://www.latimes.com/politics/la-na-pol-rick-gates-plea-deal-20180218-story.html> (last accessed Apr. 30, 2018).

<sup>3</sup> Available at: <https://www.cnn.com/2018/02/15/politics/rick-gates-plea-deal-mueller-russia-investigation/index.html> (last accessed Apr. 20, 2018).

As is evident, the government sources are specifically identified as such in the news articles, and even when they are not, it is abundantly clear that the leakers are current or former government officials with personal knowledge of the matters reported. For example, in the CNN article noted immediately above, the reporters point out that Mr. Gates' lawyers did not respond to requests for comments and Mr. Manafort, of course, was certainly not privy to plea negotiations between Mr. Gates and the Special Counsel or his Office's inner workings. The only reasonable inference is that the source of the disclosure was from government officials who had knowledge about the status of the investigation.

### **III. ARGUMENT**

#### **A. INTERFERENCE WITH CONSTITUTIONAL RIGHTS TO DUE PROCESS AND A TRIAL BEFORE AN IMPARTIAL JURY**

The government-sourced leaks concerning surveillance of Mr. Manafort with foreign individuals is particularly troubling. Despite multiple discovery and *Brady* requests in this regard, the Special Counsel has not produced any materials to the defense—no tapes, notes, transcripts or any other material evidencing surveillance or intercepts of communications between Mr. Manafort and Russian intelligence officials, Russian government officials (or any other foreign officials). The Office of Special Counsel has advised that there are no materials responsive to Mr. Manafort's requests. Of course, the natural implication of this is that these government leaks were intentionally designed to create a false narrative in order to garner support for the appointment of a Special Counsel to investigate Mr. Manafort for purportedly coordinating with Russian intelligence/government officials despite the lack of any such evidence. If this proves this to be true, then Mr. Manafort should not have been referred to the Special Counsel for investigation of coordination with the Russian government, nor for any other matters. Simply put, without original jurisdiction to investigate Mr. Manafort for alleged coordination with the Russian government

during the presidential campaign of Donald J. Trump, the Special Counsel had – and has – no lawful authority or jurisdiction to investigate and prosecute Mr. Manafort for the matters that he has brought in this Court and in the District of Columbia. *See United States v. Providence Journal Co.*, 485 U.S. 693 (1988); *see also Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S. 682 (1949).

Moreover, the false government leaks started long before the government returned the first indictment against Mr. Manafort in October 2017 and continued until the eve of the Special Counsel’s superseding indictments in February 2018. These leaks were clearly intended to unfairly prejudice the jury pool, both grand jury and petit, against Mr. Manafort and deprive Mr. Manafort of due process and an impartial jury. Here, the unfair prejudice suffered by Mr. Manafort is indisputable. *See Irvin v. Dowd*, 366 U.S. 717 (1961). The press articles state that multiple government officials confirmed **repeated contact** between the Trump campaign (including Mr. Manafort), Trump associates and Russian intelligence officials in the year before the election. The false impressions created by this baseless narrative would reasonably cause grand jurors or future potential trial jurors to speculate that, if Mr. Manafort was communicating with Russian intelligence officials during the campaign, then he may have been involved in some other nefarious conduct. Accordingly, if the representations of the Special Counsel are accurate, and there is not, in fact, any evidence of communications between Mr. Manafort and foreign officials, then the perpetrators of this elaborate hoax must be identified and punished and the substantial unfair prejudice to Mr. Manafort must be remedied.

#### B. VIOLATIONS OF GRAND JURY SECRECY

Rule 6(e) of the Federal Rules of Criminal Procedure prohibits government attorneys and agents from disclosing “a matter occurring before the grand jury. . . .” Fed. R. Crim. P. 6(e)(2)(B).

As the Supreme Court has stated, “the proper functioning of our grand jury system depends upon the secrecy of grand jury proceedings,” which encourages voluntary participation in investigations, enables witnesses to testify fully and frankly, safeguards the investigative process from undue outside influence, and spares uncharged investigatory targets from public ridicule. *Douglas Oil Co. v. Petrol Stops Northwest*, 441 U.S. 211, 218-19 (1979). As a result, courts have an obligation to look into alleged Rule 6(e) violations. In *Finn v. Schiller*, 72 F.3d 1182 (4<sup>th</sup> Cir. 1996), the Fourth Circuit held “—that upon a *prima facie* showing to the district court of an alleged Rule 6(e) violation, the court must take appropriate steps to determine whether a violation has occurred. If the court finds that a violation has, in fact, occurred, the court should take appropriate action to prevent further violations and to sanction the violator as provided by the Rule.” *Id.* at 1189-90.

In this matter, there is *prima facie* evidence that government officials and agents with access to or information about the Special Counsel’s investigation and prosecution have violated longstanding rules protecting grand jury information. Press reports sufficiently demonstrate reliance on government sources when the nature of the information provided by the source reveals a connection to the government. *See Barry v. United States*, 865 F.2d 1317, 1325 (D.C. Cir. 1989); *see also In re Grand Jury Investigation (Lance)*, 610 F.2d 202, 218 (5<sup>th</sup> Cir. 1980). By their actions, it is self-evident that the objective of these government sources was to create unfair prejudice against Mr. Manafort and thereby deprive him of his Fifth and Sixth Amendment rights. The government’s investigation, and the criminal charges that ultimately resulted from it, are the epitome of a party seeking to decide a case in the press and not the courtroom.

As noted in the sampling of articles published in the major media outlets identified above, the evidence of these Rule 6(e) violations is clear and substantial. Mr. Manafort was identified to media outlets as a target of a criminal investigation as early as the fall of 2016. With respect to

the scope of the investigation and the law enforcement techniques that were being employed, the reporting indicates, among other things, that the National Security Agency was asked to scrutinize classified intercepts of phone calls with Russian intelligence officials with whom Mr. Manafort had communicated with because the FBI could not obtain a court-ordered wiretap. The government's theories of wrongdoing abound, but clearly disclose a focus upon Mr. Manafort's Ukrainian consulting activities. Indeed, discovery materials produced by the government in this case substantiate the existence of federal grand jury investigation(s) of Mr. Manafort prior to the appointment of the Special Counsel in May 2017. Therefore, the government leaks disclosing the nature of the investigation, its time frame, and the potential dollar amounts of the purported criminal violations are clear violations of Rule 6(e) and also violated the Justice Department's own policies and procedures. "[A] *prima facie* case of a violation of Rule 6(e)(2) is made when . . . media reports disclose[] information about matters occurring before the grand jury and indicate that the sources of the information include[] attorneys and agents of the Government." *Barry*, 865 F.2d at 1321 (citations and internal quotation marks omitted).

In fact, the most compelling evidence that government officials or agents have knowingly violated Rule 6(e)'s secrecy requirement is the way in which the media reports describe the sources. Apparently, there was no fear of potential legal repercussions by these sources. In many instances, no effort whatsoever is made to hide the fact that the leakers are government officials or agents with direct knowledge of the investigation. In other cases, the reports state that the sources "are not authorized to discuss" the matter, or that anonymity is required because the "continuing investigation is classified." There is thus a strong inference that these individuals knew that they were subject to the requirements of Rule 6(e), but nevertheless chose to disclose the information. Any other interpretation is implausible. *See, e.g., In re Motions of Dow Jones &*

*Co.*, 142 F.3d 496, 500 (D.C. Cir. 1998). The totality of the facts demonstrate that Mr. Manafort is entitled to a hearing requiring the Office of Special Counsel to address the unauthorized leaks to the press.

WHEREFORE, Defendant Manafort respectfully requests the relief sought in the instant motion including requiring the Office of Special Counsel to address the unauthorized leaks to the press at a hearing and other such relief needed to allow Mr. Manafort an opportunity to seek legal redress for all violations of his constitutional rights.

Dated: April 30, 2018

Respectfully submitted,

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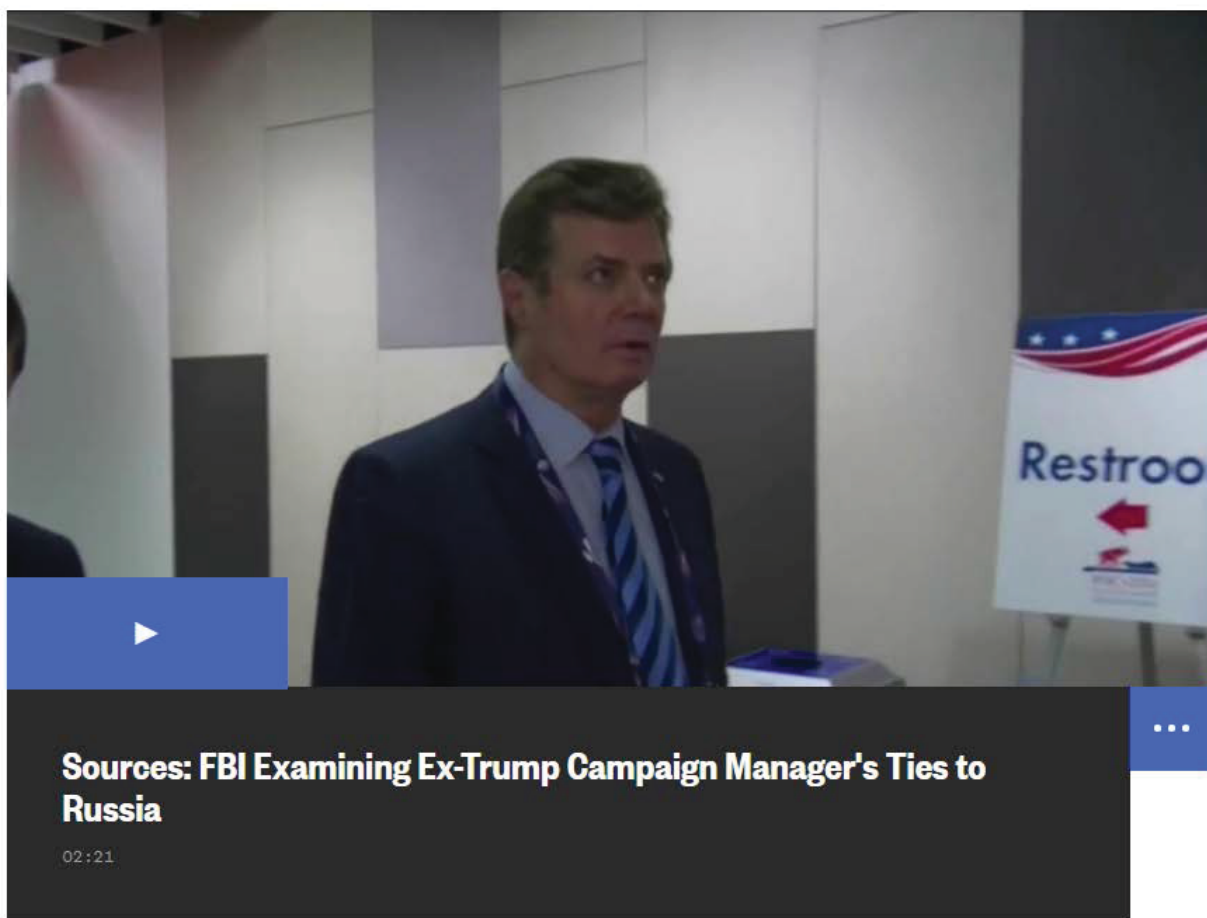
U.S. NEWS

# FBI Making Inquiry Into Ex-Trump Campaign Manager's Foreign Ties

by Ken Dilanian, Robert Windrem, William M. Arkin and Tom Winter / Oct.31.2016 / 6:11 PM ET / Updated Nov.01.2016 / 2:43 AM ET



— Donald Trump, flanked by campaign manager Paul Manafort and daughter Ivanka, checks the podium in preparation for accepting the GOP nomination to be President at the 2016 Republican National Convention in Cleveland, Ohio on July 20. Bill Clark / CQ-Roll Call, Inc.



The FBI has been conducting a preliminary inquiry into Donald Trump's former campaign manager Paul Manafort's foreign business connections, law enforcement and intelligence sources told NBC News Monday.



Word of the inquiry, which has not blossomed into a full-blown criminal investigation, comes just days after FBI Director James Comey's disclosure that his agency is examining a new batch of emails connected to an aide to Hillary Clinton.

And it comes a day after Senate Minority Leader Harry Reid criticized Comey's revelation and asserted that Comey possesses "explosive information about close ties and coordination between Donald Trump, his top advisors, and the Russian government."

The FBI did not comment. Manafort told NBC News "none of it is true ... There's no investigation going on by the FBI that I'm aware of." He said he had never had ties to Russian president Vladimir Putin, or had dealings with Putin and his government. He said any suggestion of such ties was "Democratic propaganda."

"This is all political propaganda, meant to deflect," he said.

NBC News reported in August that Manafort was a key player in multi-million-dollar business propositions with Russian and Ukrainian oligarchs – one of them a close Putin ally with alleged ties to organized crime – which foreign policy experts said raised questions about the pro-Russian bent of the Trump candidacy.





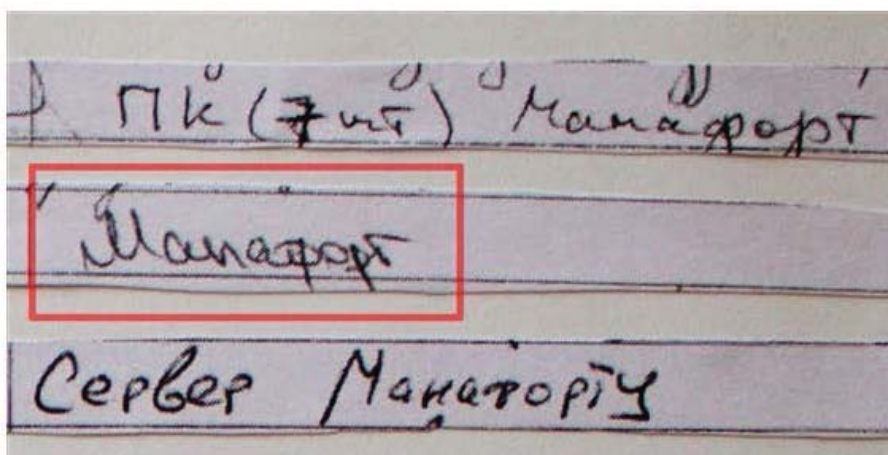
A few days later, amid other reporting on Manafort's Ukraine ties, Manafort was ousted from the campaign.

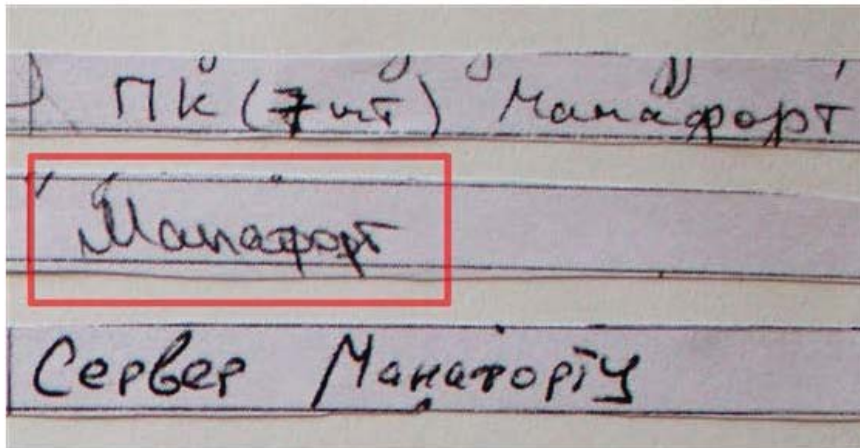


Rep. Adam Schiff of California, the ranking Democrat on the House Intelligence Committee, regularly receives sensitive briefings. Schiff said he could not discuss Reid's assertions, but he said, "Americans have every right to be concerned about what they see in terms of Trump advisors and their closeness with the Kremlin, Trump's policies vis-a-vis Russia, Trump's potential financial interest, all of those things ought to be of deep concern to voters."

He added, "Whether an investigation is appropriate depends on whether there's evidence of criminal connections. Of course the intelligence community wants to know what foreign influence Russia may be looking to exert in the United States."

Manafort was paid millions of dollars – \$12.7 million in cash, according to The New York Times—representing a pro-Russian politician in the Ukraine.





Manafort's name in an alleged payment ledger. *The Times*



Trump has taken a series of pro-Russian positions that experts from both parties say are far outside the mainstream, and inexplicable from a political viewpoint. He continues to cast doubt on Russian involvement in election hacking, for example, despite the intelligence community's public assessment.

"The relationships that Trump's advisors have had with pro-Russian forces are deeply disturbing," David Kramer, a former senior State Department official in the George W. Bush administration and a former adviser to Marco Rubio's presidential campaign, told NBC News in August. "Trump's attitude on Russia is not in line with most Republican foreign-policy thinking. Trump has staked out views that are really on the fringe."

"The relationships that Trump's advisors have had with pro-Russian forces are deeply disturbing," David Kramer, a former senior State Department official in the George W. Bush administration and a former adviser to Marco Rubio's presidential campaign, told NBC News in August. "Trump's attitude on Russia is not in line with most Republican foreign-policy thinking. Trump has staked out views that are really on the fringe."

An FBI inquiry is a preliminary examination that falls short of a criminal investigation. But in this highly charged atmosphere, it has some arguing that Comey is applying a double standard.

"Any specifics of what the FBI or intelligence agencies may be looking at are not something that the bureau should be discussing publicly," Schiff said. "But here, where the director has discussed an investigation involving one candidate, it opens the director up to claims of bias if he doesn't discuss other potential investigations."



## POLITICS

# Trump Campaign Aides Had Repeated Contacts With Russian Intelligence

By MICHAEL S. SCHMIDT, MARK MAZZETTI and MATT APUZZO FEB. 14, 2017

WASHINGTON — Phone records and intercepted calls show that members of Donald J. Trump's 2016 presidential campaign and other Trump associates had repeated contacts with senior Russian intelligence officials in the year before the election, according to four current and former American officials.

American law enforcement and intelligence agencies intercepted the communications around the same time they were discovering evidence that Russia was trying to disrupt the presidential election by hacking into the Democratic National Committee, three of the officials said. The intelligence agencies then sought to learn whether the Trump campaign was colluding with the Russians on the hacking or other efforts to influence the election.

The officials interviewed in recent weeks said that, so far, they had seen no evidence of such cooperation.

But the intercepts alarmed American intelligence and law enforcement agencies, in part because of the amount of contact that was occurring while Mr. Trump was speaking glowingly about the Russian president, Vladimir V. Putin. At one point last summer, Mr. Trump said at a campaign event that he hoped Russian intelligence services had stolen Hillary Clinton's emails and would make them public.

The officials said the intercepted communications were not limited to Trump campaign officials, and included other associates of Mr. Trump. On the Russian side, the

1 contacts also included members of the government outside of the intelligence services, they said. All of the current and former officials spoke on the condition of anonymity because the continuing investigation is classified.

ARTICLE REMAINING

The officials said that one of the advisers picked up on the calls was Paul Manafort, who was Mr. Trump's campaign chairman for several months last year and had worked as a political consultant in Ukraine. The officials declined to identify the other Trump associates on the calls.

The call logs and intercepted communications are part of a larger trove of information that the F.B.I. is sifting through as it investigates the links between Mr. Trump's associates and the Russian government, as well as the hacking of the D.N.C., according to federal law enforcement officials. As part of its inquiry, the F.B.I. has obtained banking and travel records and conducted interviews, the officials said.

Mr. Manafort, who has not been charged with any crimes, dismissed the officials' accounts in a telephone interview on Tuesday. "This is absurd," he said. "I have no idea what this is referring to. I have never knowingly spoken to Russian intelligence officers, and I have never been involved with anything to do with the Russian government or the Putin administration or any other issues under investigation today."

He added, "It's not like these people wear badges that say, 'I'm a Russian intelligence officer.'"

Several of Mr. Trump's associates, like Mr. Manafort, have done business in Russia. And it is not unusual for American businessmen to come in contact with foreign intelligence officials, sometimes unwittingly, in countries like Russia and Ukraine, where the spy services are deeply embedded in society. Law enforcement officials did not say to what extent the contacts might have been about business.

The officials would not disclose many details, including what was discussed on the calls, the identity of the Russian intelligence officials who participated, and how many of Mr. Trump's advisers were talking to the Russians. It is also unclear whether the conversations had anything to do with Mr. Trump himself.

A report from American intelligence agencies that was made **public** in January concluded that the Russian government had intervened in the election in part to help Mr.

Trump, but did not address whether any members of the Trump campaign had participated in the effort.

The intercepted calls are different from the wiretapped conversations last year between Michael T. Flynn, Mr. Trump's former national security adviser, and Sergey I. Kislyak, Russia's ambassador to the United States. In those calls, which led to Mr. Flynn's resignation on Monday night, the two men discussed sanctions that the Obama administration imposed on Russia in December.

But the cases are part of American intelligence and law enforcement agencies' routine electronic surveillance of the communications of foreign officials.

The F.B.I. declined to comment. The White House also declined to comment Tuesday night, but earlier in the day, the press secretary, Sean Spicer, stood by Mr. Trump's previous comments that nobody from his campaign had contact with Russian officials before the election.

"There's nothing that would conclude me that anything different has changed with respect to that time period," Mr. Spicer said in response to a question.

Two days after the election in November, Sergei A. Ryabkov, the deputy Russian foreign minister, said "there were contacts" during the campaign between Russian officials and Mr. Trump's team.

"Obviously, we know most of the people from his entourage," Mr. Ryabkov told Russia's Interfax news agency.

The Trump transition team denied Mr. Ryabkov's statement. "This is not accurate," Hope Hicks, a spokeswoman for Mr. Trump, said at the time.

The National Security Agency, which monitors the communications of foreign intelligence services, initially captured the calls between Mr. Trump's associates and the Russians as part of routine foreign surveillance. After that, the F.B.I. asked the N.S.A. to collect as much information as possible about the Russian operatives on the phone calls, and to search through troves of previous intercepted communications that had not been analyzed.

The F.B.I. has closely examined at least three other people close to Mr. Trump, although it is unclear if their calls were intercepted. They are Carter Page, a businessman

and former foreign policy adviser to the campaign; Roger Stone, a longtime Republican operative; and Mr. Flynn.

All of the men have strongly denied that they had any improper contacts with Russian officials.

As part of the inquiry, the F.B.I. is also trying to assess the credibility of the information contained in a dossier that was given to the bureau last year by a former British intelligence operative. The dossier contained a raft of allegations of a broad conspiracy between Mr. Trump, his associates and the Russian government. It also included unsubstantiated claims that the Russians had embarrassing videos that could be used to blackmail Mr. Trump.

The F.B.I. has spent several months investigating the leads in the dossier, but has yet to confirm any of its most explosive claims.

Senior F.B.I. officials believe that the former British intelligence officer who compiled the dossier, Christopher Steele, has a credible track record, and he briefed investigators last year about how he obtained the information. One American law enforcement official said that F.B.I. agents had made contact with some of Mr. Steele's sources.

The agency's investigation of Mr. Manafort began last spring as an outgrowth of a criminal investigation into his work for a pro-Russian political party in Ukraine and for the country's former president, Viktor F. Yanukovich. It has focused on why he was in such close contact with Russian and Ukrainian intelligence officials.

The bureau did not have enough evidence to obtain a warrant for a wiretap of Mr. Manafort's communications, but it had the N.S.A. scrutinize the communications of Ukrainian officials he had met.

The F.B.I. investigation is proceeding at the same time that separate investigations into Russian interference in the election are gaining momentum on Capitol Hill. Those investigations, by the House and Senate Intelligence Committees, are examining not only the Russian hacking but also any contacts that Mr. Trump's team had with Russian officials during the campaign.

On Tuesday, top Republican lawmakers said that Mr. Flynn should be one focus of the investigation, and that he should be called to testify before Congress. Senator Mark Warner of Virginia, the top Democrat on the Intelligence Committee, said the news about

Mr. Flynn underscored “how many questions still remain unanswered to the American people more than three months after Election Day, including who was aware of what, and when.”

Mr. Warner said Mr. Flynn’s resignation would not stop the committee “from continuing to investigate General Flynn, or any other campaign official who may have had inappropriate and improper contacts with Russian officials prior to the election.”

***Correction: February 14, 2017***

*An earlier version of this article misstated the number of people (in addition to Paul Manafort) whom the F.B.I. has examined. It is at least three, not at least four.*

***Correction: February 19, 2017***

*An earlier version of a photo caption with this article gave an incorrect middle initial for Paul Manafort. It is J., not D.*

Adam Goldman and Matthew Rosenberg contributed reporting.

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A version of this article appears in print on February 15, 2017, on Page A1 of the New York edition with the headline: Trump Aides Had Contact With Russian Intelligence.

## AP Exclusive: Before Trump job, Manafort worked to aid Putin

JEFF HORWITZ & CHAD DAY

Mar. 22, 2017



<https://apn>

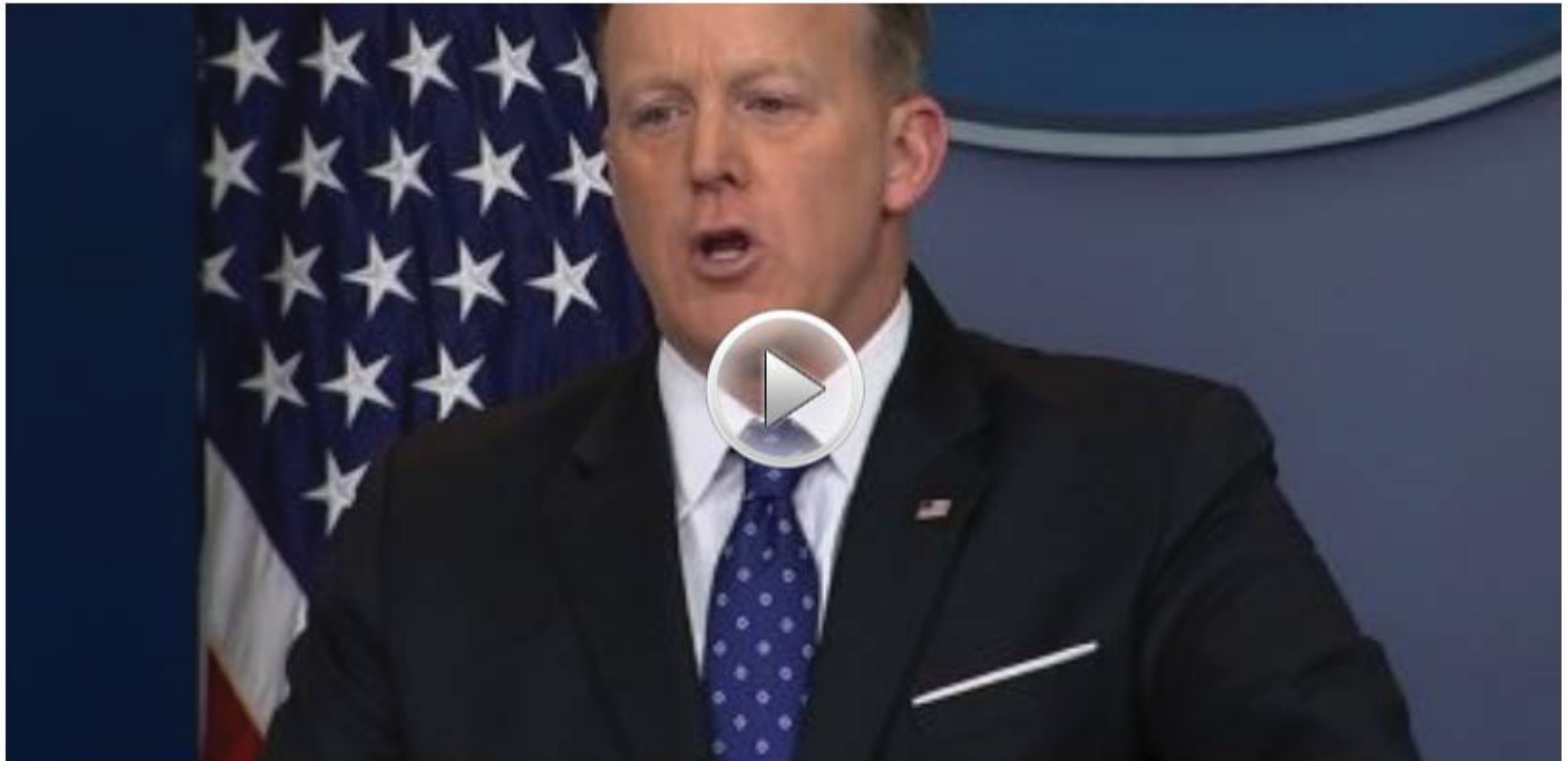
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WASHINGTON (AP) — Before signing up with Donald Trump, former campaign manager Paul Manafort secretly worked for a Russian billionaire with a plan to “greatly benefit the Putin Government,” The Associated Press has learned. The White House attempted to brush the report aside Wednesday, but it quickly raised fresh alarms in Congress about Russian links to Trump associates.

Manafort proposed in a confidential strategy plan as early as June 2005 that he would influence politics, business dealings and news coverage inside the United States, Europe and former Soviet republics to benefit President Vladimir Putin's government, even as U.S.-Russia relations under Republican President George W. Bush grew worse.



White House's Sean Spicer says President Donald Trump had not been aware of Paul Manafort's work on behalf of a Russian billionaire. "To suggest that the president knew who his clients were from 10 years ago is a bit insane," Spicer said. (March 22)



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Manafort pitched the plans to aluminum magnate Oleg Deripaska, a close Putin ally with whom Manafort eventually signed a \$10 million annual contract beginning in 2006, according to interviews with several people familiar with payments to Manafort and business records obtained by the AP. Manafort and Deripaska maintained a business relationship until at least 2009, according to one person familiar with the work.

"We are now of the belief that this model can greatly benefit the Putin Government if employed at the correct levels with the appropriate commitment to success," Manafort wrote in the 2005 memo to Deripaska. The effort, Manafort wrote, "will be offering a great service that can re-focus, both internally and externally, the policies of the Putin government."

White House spokesman Sean Spicer said Wednesday that President Trump had not been aware of Manafort's work on behalf of Deripaska.

"To suggest that the president knew who his clients were from 10 years ago is a bit insane," Spicer said. He noted the AP's reporting "has started to catch a lot of buzz" but said Manafort's work occurred long before he became Trump's campaign chairman. "I don't know what he got paid to do," Spicer said, adding, "There's no suggestion he did anything improper."

Manafort's plans were laid out in detailed documents obtained by the AP that included strategy memoranda and records showing international wire transfers for millions of dollars. How much work Manafort performed under the contract was unclear. The work appears to contradict assertions by the Trump administration and Manafort himself that he never worked for Russian interests.

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Manafort confirmed again Wednesday in a statement that he had worked for Deripaska but denied his work had been pro-Russian in nature. He added, "I look forward to meeting with those conducting serious investigations of these issues."

An official representative of Deripaska said simply in a statement Wednesday: "There was an agreement between Mr. Deripaska and Mr. Manafort to provide investment consulting services related to business interests of Mr Deripaska which now is a subject to legal claims."

The disclosures come as Trump campaign advisers are the subject of an FBI probe and two congressional investigations, and they appear to guarantee that Manafort will be sought as a key witness in upcoming hearings. Investigators are reviewing whether the Trump campaign and its associates coordinated with Moscow to meddle in the 2016 campaign. Manafort has dismissed the investigations as politically motivated and misguided. The documents obtained by AP show Manafort's ties to Russia were closer than previously revealed.

Sen. John McCain, R-Ariz., called the disclosures "serious stuff" and more evidence that an independent congressional committee should investigate the Trump administration. "Other shoes will drop," he said.

Republican Sen. Lindsey Graham of South Carolina, a frequent Trump critic, said of Manafort: "Clearly, if he's getting millions of dollars from a billionaire close to Putin, to basically undermine democratic movements, that's something I'd want to know about. I doubt if Trump knew about it."

Democrats on the House intelligence committee said the new revelations will feature in their investigations.

The disclosure “undermines the groundless assertions that the administration has been making that there are no ties between President Trump and Russia. This is not a drip, drip, drip,” said Rep. Jackie Speier of California. “This is now dam-breaking with water flushing out with all kinds of entanglements.”

Deripaska became one of Russia’s wealthiest men under Putin, buying assets abroad in ways widely perceived to benefit the Kremlin’s interests. U.S. diplomatic cables from 2006 described him as “among the 2-3 oligarchs Putin turns to on a regular basis” and “a more-or-less permanent fixture on Putin’s trips abroad.” In response to questions about Manafort’s consulting firm, a spokesman for Deripaska in 2008 — at least three years after they began working together — said Deripaska had never hired the firm. Another Deripaska spokesman in Moscow last week declined to answer AP’s questions.

Manafort worked as Trump’s unpaid campaign chairman last year from March until August, a period that included the Republican National Convention that nominated Trump in July. Trump asked Manafort to resign after AP revealed that he had orchestrated a covert Washington lobbying operation until 2014 on behalf of Ukraine’s ruling pro-Russian political party.

The newly obtained business records link Manafort more directly to Putin’s interests in the region. According to those records and people with direct knowledge of Manafort’s work for Deripaska, Manafort made plans to open an office in Moscow, and at least some of his work in Ukraine was directed by Deripaska, not local political interests there. The Moscow office never opened.

Manafort has been a leading focus of the U.S. intelligence investigation of Trump’s associates and Russia, according to a U.S. official. The person spoke on condition of anonymity because details of the investigation are confidential. Meanwhile, federal criminal prosecutors became interested in Manafort’s activities years ago as part of a broad investigation to recover stolen Ukraine assets after the ouster of pro-Russian President Viktor Yanukovich there in early 2014. No U.S. criminal charges have ever been filed in the case.

FBI Director James Comey, in confirming to Congress the federal intelligence investigation this week, declined to say whether Manafort was a target. Manafort’s name was mentioned 28 times during the hearing of the House intelligence committee, mostly about his work in Ukraine. No one mentioned Deripaska.

On Monday, Spicer had said Manafort “played a very limited role for a very limited amount of time” in the presidential campaign, even though he was Trump’s campaign chairman. Spicer on Wednesday said further that Manafort was hired to oversee the campaign’s delegate operation. “To be clear, he got the job done on the delegates,” Spicer said.

Manafort and his associates remain in Trump’s orbit. Manafort told a colleague this year that he continues to speak with Trump by telephone. Manafort’s former business partner in eastern Europe, Rick Gates, has been seen inside the White House on a number of occasions, helped plan Trump’s inauguration and now runs a nonprofit organization, America First Policies, to back the White House agenda.

Gates, whose name does not appear in the documents, told the AP that he joined Manafort's firm in 2006 and was aware Manafort had a relationship with Deripaska but was not aware of the work described in the memos. Gates said his work was focused on domestic U.S. lobbying and political consulting in Ukraine at the time. He said he stopped working for Manafort's firm in March 2016 when he joined Trump's presidential campaign.

Manafort told Deripaska in 2005 that he was pushing policies as part of his work in Ukraine "at the highest levels of the U.S. government — the White House, Capitol Hill and the State Department," according to the documents. He also said he had hired a "leading international law firm with close ties to President Bush to support our client's interests," but he did not identify the firm. Manafort also said he was employing unidentified legal experts for the effort at leading universities and think tanks, including Duke University, New York University and the Center for Strategic and International Studies.

Manafort did not disclose details about the lobbying work to the Justice Department during the period the contract was in place.

Under the Foreign Agents Registration Act, people who lobby in the U.S. on behalf of foreign political leaders or political parties must provide detailed reports about their actions to the department. Willfully failing to register is a felony and can result in up to five years in prison and a fine of up to \$250,000, though the government rarely files criminal charges. "I don't know if he violated the Foreign Agent Registration Act," Sen. Graham said, "but it's something I think we all need to know more about."

Deripaska owns Basic Element Co., which employs 200,000 people worldwide in the agriculture, aviation, construction, energy, financial services, insurance and manufacturing industries, and he runs one of the world's largest aluminum companies. Forbes estimated his net worth at \$5.2 billion. How much Deripaska paid Manafort in total is not clear, but people familiar with the relationship said money transfers to Manafort amounted to tens of millions of dollars and continued through at least 2009. They spoke on condition of anonymity because they were not authorized to discuss the secret payments publicly.

In strategy memos, Manafort proposed that Deripaska and Putin would benefit from lobbying Western governments, especially the U.S., to allow oligarchs to keep possession of formerly state-owned assets in Ukraine. He proposed building "long term relationships" with Western journalists and a variety of measures to improve recruitment, communications and financial planning by pro-Russian parties in the region.

Manafort proposed extending his existing work in eastern Europe to Uzbekistan, Tajikistan and Georgia, where he pledged to bolster the legitimacy of governments friendly to Putin and undercut anti-Russian figures through political campaigns, nonprofit front groups and media operations.

For the \$10 million annual contract, Manafort did not use his public-facing consulting firm, Davis Manafort. Instead, he used a company, LOAV Ltd., that he had registered in Delaware in 1992. He listed LOAV as having the same address as his lobbying and consulting firms in Alexandria, Virginia. In other records, LOAV's address was listed as Manafort's home, also in Alexandria. Manafort sold the home in July 2015 for \$1.4 million. He now owns an apartment in Trump Tower in New York, as well as other properties in Florida and New York.

One strategy memo to Deripaska was written by Manafort and Rick Davis, his business partner at the time. In written responses to the AP, Davis said he did not know that his firm had proposed a plan to covertly promote the interests of the Russian government.

Davis said he believes Manafort used his name without his permission on the strategy memo. "My name was on every piece of stationery used by the company and in every memo prior to 2006. It does not mean I had anything to do with the memo described," Davis said. He took a leave of absence from the firm in late 2006 to work on Sen. McCain's 2008 presidential campaign.

Manafort's work with Deripaska continued for years, though they had a falling out laid bare in 2014 in a Cayman Islands bankruptcy court. The billionaire gave Manafort nearly \$19 million to invest in a Ukrainian TV company called Black Sea Cable, according to legal filings by Deripaska's representatives. It said that after taking the money, Manafort and his associates stopped responding to Deripaska's queries about how the funds had been used.

Early in the 2016 presidential campaign, Deripaska's representatives openly accused Manafort of fraud and pledged to recover the money from him. After Trump earned the nomination, Deripaska's representatives said they would no longer discuss the case.

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Associated Press writers Jack Gillum, Eric Tucker, Julie Pace, Ted Bridis, Stephen Braun, Julie Bykowicz and Monika Mathur contributed to this report in Washington; Nataliya Vasilyeva contributed from Moscow and Kiev, Ukraine; and Jake Pearson contributed from New York.

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## AP Exclusive: US Probe of Ex-Trump Aide Extends to Cyprus

The U.S. government investigation of President Donald Trump's former campaign chairman, Paul Manafort, crossed the Atlantic earlier this year to the Mediterranean island nation of Cyprus, once known as a haven for money laundering by Russian billionaires.

March 23, 2017, at 3:38 p.m.



FILE - In this Oct. 30, 2013, file photo, a man uses an ATM machine outside of a branch of Bank of Cyprus in capital Nicosia, Cyprus. U.S. Treasury Department agents have recently obtained information about offshore financial transactions involving President Donald Trump's former campaign chairman, Paul Manafort, as part of a federal anti-corruption probe into his work in Eastern Europe, The Associated Press has learned. Information about Manafort's banking transactions was turned over to U.S. agents working in the Financial Crimes Enforcement Network, a Treasury Department bureau, by the Unit for Combating Money Laundering in the Mediterranean country of Cyprus, a person familiar with the case said, speaking on condition of anonymity because the person was not authorized to publicly discuss an ongoing, global criminal investigation. (AP Photo/Petros Karadjias, File) THE

ASSOCIATED PRESS

BY JACK GILLUM, MENELAOS HADJICOSTIS and ERIC TUCKER, Associated Press

WASHINGTON (AP) — The U.S. government investigation of President Donald Trump's former campaign chairman, Paul Manafort, crossed the Atlantic earlier this year to the Mediterranean island nation of Cyprus, once known as a haven for money laundering by Russian billionaires.

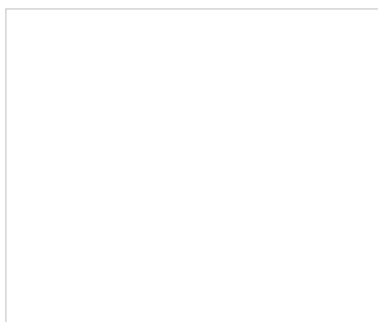
Treasury agents in recent months obtained information connected to Manafort's transactions from Cypriot authorities, according to a person familiar with the matter who was not authorized to speak publicly. The request was part of a federal anti-corruption probe into Manafort's work in Eastern Europe. The Cyprus attorney general, one of the country's top law enforcement officers, was also aware of the American request.

Manafort was Trump's unpaid campaign chairman from March until August last year, during the critical run-up to the Republican National Convention. He's been a leading focus of the U.S. investigation into whether Trump associates coordinated with Moscow to meddle in the 2016 presidential campaign.

Manafort, in a statement to the AP Thursday when asked about the Cyprus transactions, characterized them as a normal practice. "Like many companies doing business internationally, my company was paid via wire transfer, typically using clients' preferred financial institutions and instructions," he said.

Federal prosecutors became interested in Manafort's activities years ago as part of a broad investigation to recover stolen Ukrainian assets after the ouster of pro-Russian President Viktor Yanukovich there in early 2014. No U.S. criminal charges have been filed in the case.

It was not immediately clear what time period of Manafort's transactions was covered under the request from the Treasury Department's Financial Crimes Enforcement Network. Manafort was known to route financial transactions through Cyprus, according to records of international wire transfers obtained by the AP and public court documents filed in a 2014 legal dispute in the Cayman Islands with Russian billionaire Oleg Deripaska.

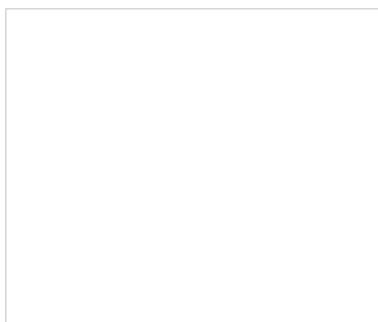


As part of their investigation, U.S. officials were expected to look into millions of dollars' worth of wire transfers to Manafort. In one case, the AP found that a Manafort-linked company received a \$1 million payment in October 2009 from a mysterious firm through the Bank of Cyprus. The \$1 million left the account the same day – split in two, roughly \$500,000 disbursements to accounts with no obvious owner.

There is nothing inherently illicit about using multiple companies as Manafort was doing. But it was unclear why he would have been involved with companies in Cyprus, known for its history of money laundering before joining the European Union, with unclear sources of the money flowing in to them and with such secrecy surrounding the firms' connections to him.

With Cyprus' entry into the European Union in 2004, the island was forced to put in place a host of stringent anti-money laundering regulations to avoid running afoul with the bloc's own rules and incurring the wrath of other EU members. Cypriot banks, sticking to EU rules, took on heightened importance when Cyprus started using the Euro currency in 2008.

But the island's allure as a friendly EU member brought a steady stream of Russian cash to fill Cypriot bank coffers, and rumors began to swirl again that it was fast becoming a major cash laundromat for Russian oligarchs, a charge that Cypriot authorities strenuously deny.



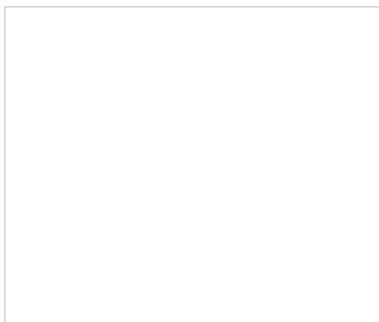
A Treasury Department spokesman, Stephen Hudak, declined to answer the AP's questions about Manafort's records, citing a policy never to confirm or deny an investigation's existence.

Cypriot officials said further information would have to come to the agency through a formal request to the Cypriot Ministry of Justice and Public Order under a mutual legal assistance treaty. No request has been made, according to two officials who spoke on condition of anonymity because they were not authorized to publicly discuss the case.

This week, the AP revealed Manafort's secret work for a Russian billionaire to advance the interests of Russian President Vladimir Putin a decade ago. Manafort did not dispute working for Oleg Deripaska but said he had represented him only in personal and business matters. He called the focus on him a "smear campaign," and said he was ready to defend his work if investigators wish to learn more about it.

The White House said Trump had not been aware of Manafort's work on behalf of Deripaska, a close Putin ally with whom Manafort, who is 67, eventually signed a \$10 million annual contract beginning in 2006. "The president was not aware of Paul's clients from the last decade," said spokesman Sean Spicer. "What else don't we know? I mean, where he went to school, what grades he got, who he played with in the sandbox?"

Spicer declined to comment Thursday on the information about the offshore financial transactions. On the topic of Manafort in general, he reiterated to reporters at the day's press briefing: "You pull out a gentleman who was employed by someone for five months and talk about a client that he had 10 years ago."



The Financial Crimes Enforcement Network, known as FinCEN, was established in 1990 and became a Treasury Department bureau soon after the Sept. 11, 2001, terror attacks. It is part of an international network of so-called financial intelligence units that share information with each other in money laundering and terrorism financing investigations.

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Hadjicostis reported from Nicosia, Cyprus. Associated Press writers Jeff Horwitz and Chad Day contributed to this report from Washington, and Nataliya Vasilyeva contributed to this report from Moscow and Kyiv.

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# AP Exclusive: Manafort firm received Ukraine ledger payout

JACK GILLUM & CHAD DAY & JEFF HORWITZ  
Apr. 12, 2017



<https://apnews.com>

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WASHINGTON (AP) — Last August, a handwritten ledger surfaced in Ukraine with dollar amounts and dates next to the name of Paul Manafort, who was then Donald Trump's campaign chairman. Ukrainian investigators called it evidence of off-the-books payments from a pro-Russian political party.

But Manafort, who worked for the party as an international political consultant, has publicly questioned the ledger's authenticity — saying no public evidence existed that he or others received payments recorded in it.



Now, financial records newly obtained by The Associated Press confirm that at least \$1.2 million in payments listed in the ledger next to Manafort's name were actually received by his U.S. consulting firm. They include payments in 2007 and 2009, providing the first evidence that Manafort's firm received at least some money listed in the so-called Black Ledger.

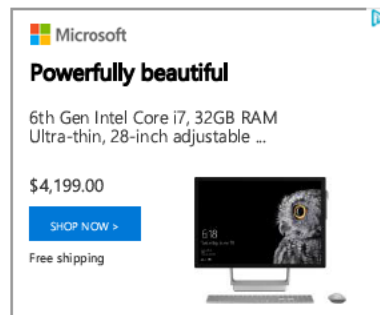
The two payments came years before Manafort became involved in Trump's campaign, but for the first time bolster the credibility of the ledger. They also put the ledger in a new light, as federal prosecutors in the U.S. have been looking into Manafort's work for years as part of an effort to recover Ukrainian assets stolen after the 2014 ouster of Ukrainian President Viktor Yanukovich, who fled to Russia. No charges have been filed as part of the investigation.

Separately, Manafort is also under scrutiny as part of congressional and FBI investigations into possible contacts between Trump associates and Russia's government under President Vladimir Putin during the 2016 U.S. presidential campaign. The payments are unrelated to the election.

In statements to the AP, Manafort did not deny that his firm received the money but said "any wire transactions received by my company are legitimate payments for political consulting work that was provided. I invoiced my clients and they paid via wire transfer, which I received through a U.S. bank."

Manafort noted that he agreed to be paid according to his "clients' preferred financial institutions and instructions." Manafort said he had never been paid in cash for his work in Ukraine.

On Wednesday, his spokesman, Jason Maloni, said he believes Manafort's exclusive use of wire transfers for payment undermines descriptions of the ledger last year by Ukrainian anti-corruption authorities and a lawmaker that said the ledger detailed cash payments.



The AP identified in the records two payments received by Manafort that aligned with the ledger: one for \$750,000 that a Ukrainian lawmaker said last month should be investigated by U.S. authorities.

The other was \$455,249 and also matched a ledger entry.

The AP provided to Manafort the amounts of the payments, dates and number of the bank account where they were received. Manafort told the AP that he was unable to review his own banking records showing receipt of the payments because his bank destroyed the records after a standard seven-year retention period.

The newly obtained records expand the global scope of Manafort's financial activities related to his Ukrainian political consulting, because both payments came from companies once registered in the Central American country of Belize. Last month, the AP reported that the U.S. government has examined Manafort's financial transactions in the Mediterranean country of Cyprus as part of its probe.

Manafort, a longtime Republican political operative, led the presidential campaign from March until August last year when Trump asked him to resign. That came after a tumultuous week in which The New York Times revealed that Manafort's name appeared in the Ukraine ledger — although the newspaper said at the time that officials were unsure whether Manafort actually received the money — and after the AP separately reported that he had orchestrated a covert Washington lobbying operation until 2014 on behalf of Ukraine's pro-Russian Party of Regions.

On Wednesday, Maloni told the AP that Manafort intends to register with the Justice Department as a foreign agent for that work. By registering retroactively, Manafort will be acknowledging that he failed to properly disclose his work to the Justice Department as required by federal law.

Also Wednesday, one of the Washington lobbying firms involved in that covert campaign, the Podesta Group Inc., formally registered under the Foreign Agents Registration Act. The firm, run by the brother of Hillary Clinton presidential campaign chairman John Podesta, reported being paid more than \$1.2 million for its efforts. It cited unspecified "information brought to light in recent months" and conversations with Justice Department employees as the reason for its decision. The other firm, Mercury LLC, said it also will register soon, after the fact.

Officials with the Ukrainian National Anti-Corruption Bureau, which is investigating corruption under Yanukovich, have said they believe the ledger is genuine but said they had no way of knowing whether Manafort received the money. The bureau said it wasn't investigating Manafort because he is not a Ukrainian citizen.

Last month, Ukrainian lawmaker Serhiy Leshchenko revealed an invoice bearing the letterhead of Manafort's namesake company, Davis Manafort, that Leshchenko said was crafted to conceal a payment to Manafort as a purchase of 501 computers. Leshchenko said last month the 2009 invoice was one of about 50 pages of documents found in Manafort's former Kiev office by a new tenant.

On Tuesday, Manafort called the invoice a fraud. "The signature is not mine, and I didn't sell computers," Manafort said, noting that he believes people are taking "disparate pieces of information and distorting their significance through a campaign of smear and innuendo."

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Associated Press writers Nataliya Vasilyeva contributed reporting from Kiev and Moscow, and Lynn Berry from Washington.

**AP**

# Special counsel's Trump investigation includes Manafort case

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By SADIE GURMAN,  
ERIC TUCKER and JEFF  
HORWITZ

Jun. 03, 2017



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WASHINGTON (AP) — The special counsel investigating possible ties between President Donald Trump's campaign and Russia's government has taken over a separate criminal probe involving former Trump campaign chairman Paul Manafort, and may expand his inquiry to investigate the roles of the attorney general and deputy attorney general in the firing of FBI Director James Comey, The Associated Press has learned.

The Justice Department's criminal investigation into Manafort, who was forced to resign as Trump campaign chairman in August amid questions over his business dealings years ago in Ukraine, predated the 2016 election and the counterintelligence probe that in July began investigating possible collusion between Moscow and associates of Trump.

The move to consolidate the matters, involving allegations of misuse of Ukrainian government funds, indicates that Special Counsel Robert Mueller is assuming a broad mandate in his new role running the sensational investigation. The expansiveness of Mueller's investigation was described to the AP. No one familiar with the matter has been willing to discuss the scope of his investigation on the record because it is just getting underway and because revealing details could complicate its progress.

In an interview separately Friday with the AP, Deputy Attorney General Rod Rosenstein acknowledged that Mueller could expand his inquiry to include Attorney General Jeff Sessions' and Rosenstein's own roles in the decision to fire Comey, who was investigating the Trump campaign. Rosenstein, who appointed Mueller as special counsel to take over the investigation, wrote the memorandum intended to justify Trump's decision to fire Comey. Sessions met with Trump and Rosenstein to discuss Trump's decision to fire him despite Sessions' pledge not to become involved in the Russia case.

The AP asked Rosenstein specifically whether Mueller's investigation could expand to include examining Sessions' role.

"The order is pretty clear," Rosenstein responded. "It gives him authority for the investigation and anything arising out of that investigation, and so Director Mueller will be responsible in the first instance for determining what he believes falls into that mandate."

Rosenstein told the AP that if he were to become a subject of Mueller's investigation, he would recuse himself from any oversight of Mueller. Under Justice Department rules, Mueller is required to seek permission from Rosenstein to investigate additional matters other than ones already specified in the paperwork formally appointing Mueller.



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“I’ve talked with Director Mueller about this,” Rosenstein said. “He’s going to make the appropriate decisions, and if anything that I did winds up being relevant to his investigation then, as Director Mueller and I discussed, if there’s a need from me to recuse I will.”

Peter Carr, a spokesman for Mueller, declined to comment on the scope of the investigation.

Mueller, who spent 12 years as FBI director and served under Republican and Democratic presidents, was appointed as special counsel following the May 9 firing of Comey, who is expected to testify for the first time next week before the Senate.

Mueller’s assignment, detailed in a one-page order signed by Rosenstein, covers the federal investigation into possible links or coordination between Russia and associates of the Trump campaign but also “any matters that arose or may arise directly” from the probe. It would also extend to any allegations of perjury, witness intimidation or obstruction of justice uncovered during the course of the investigation.

As Mueller’s investigation begins, members of Congress are intensely interested in its direction and scope.

Last month, House Democrats called for congressional investigations into whether Sessions violated his pledge to recuse himself from matters related to investigations into Trump associates. They also asked the Justice Department to investigate Sessions’ role in Comey’s firing and to lay out how that investigation would proceed.

A Democratic aide said Rep. Elijah Cummings, D-Md., asked Rosenstein about the matter during a briefing before House members. Rosenstein said he would get back to Cummings, but he has yet to respond, said the aide, who spoke on condition of anonymity to discuss the private interactions.

The Justice Department began looking at Manafort’s work in Ukraine around the beginning of 2014, as Ukraine’s president, Viktor Yanukovich, was toppled amid protests of alleged corruption and Russian influence. Business records obtained by the AP show Manafort’s political consulting firm began working as early as 2004 for clients that variously included a political boss in Yanukovich’s party, a Ukrainian oligarch and Oleg Deripaska, a Russian businessman and longtime ally of Russian president Vladimir Putin.

A special counsel, by design, is constrained by the terms of his appointment to avoid boundless and perpetually open-ended

investigations. In this case, though, Mueller's mandate appears fairly broad, said Samuel Buell, a former federal prosecutor and criminal law professor at Duke University.

"That investigation that's named in the appointment is already one that has, as far as we can tell, a number of tentacles and offshoots that involves conduct over a fairly lengthy period of time involving a lot of people," Buell said.

He said he did not expect Mueller to seek Rosenstein's approval each time he wants to subpoena another new witness or pursue a new Russia-related investigative thread. The more difficult question would involve any allegations separate and apart from Russia, he said.

"This gives him the authority to pull on all kinds of string and see where they lead him," Buell said. "As long as you're following a string that's connected to the string of Russian influence on the election — however that may have occurred, whoever that may have involved — would seem to fall within that appointment."

Manafort's work in Ukraine continued at least through the beginning of 2014, when Yanukovych's government was ousted amid protests of widespread corruption and his rejection of a European trade deal in favor of one with Moscow. As the AP reported last year, that work included covertly directing a lobbying campaign on behalf of Ukraine's pro-Russian Party of Regions in Washington. Following the AP's reporting on emails in which Manafort deputy Rick Gates was overseeing the work, two lobbying firms involved in the project registered as foreign agents. Manafort has not done so, and a spokesman for him has declined to say if he will.

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# THE RUSSIA INVESTIGATION

## One year into the FBI's Russia investigation, Mueller is on the Trump money trail

By [Evan Perez](#), [Pamela Brown](#) and [Shimon Prokupecz](#), CNN

Updated 4:54 PM ET, Fri August 4, 2017

### STORY HIGHLIGHTS

Sources described an investigation that has widened to focus on possible financial crimes

The increased financial focus hasn't gone unnoticed by President Donald Trump

**Washington (CNN)** — Federal investigators exploring whether Donald Trump's campaign colluded with Russian spies have seized on Trump and his associates' financial ties to Russia as one of the most fertile avenues for moving their probe forward, according to people familiar with the investigation.



The web of financial ties could offer a more concrete path toward potential prosecution than the broader and murkier questions of collusion in the 2016 campaign, these sources said.

One year after the FBI opened an investigation, the probe is [now managed by special counsel Robert Mueller](#). Sources described an investigation that has widened to focus on possible financial crimes, some unconnected to the 2016 elections, alongside the ongoing scrutiny of possible illegal coordination with Russian spy agencies and alleged attempts by President Donald Trump and others to obstruct the FBI investigation. Even investigative leads that have nothing to do with Russia but involve Trump associates are being referred to the special counsel to encourage subjects of the investigation to cooperate, according to two law enforcement sources.



The increased financial focus hasn't gone unnoticed by Trump, who warned Mueller, via an [interview with The New York Times](#), that his financial dealings were a red line that investigators shouldn't cross. But the [order establishing the special counsel makes clear](#) Mueller is authorized to investigate any matters that "arose or may arise directly from the investigation."

In response to this CNN story, the President's attorney, Jay Sekulow, said, "President's outside counsel has not received any requests for documentation or information about this. Any inquiry from the special counsel that goes beyond the mandate specified in the appointment we would object to."

In 2015, the FBI began investigating cyber breaches targeting US political organizations, including the Democratic National Committee.

In the summer of 2016, US intelligence agencies noticed [a spate of curious contacts](#) between Trump campaign associates and suspected Russian intelligence, according to current and former US officials briefed on the investigation. James Comey, in his Senate testimony, said the FBI opened an investigation into Trump campaign-Russia connections in July 2016. The strands of the two investigations began to merge.

In the months that followed, investigators turned up intercepted communications appearing to show efforts by Russian operatives to coordinate with Trump associates on damaging Hillary Clinton's election prospects, officials said. CNN has learned those communications included references to campaign chairman Paul Manafort.



**Related Article:** The many unearthed interactions between Trump-world and

A year later, the FBI is reviewing financial records related to the Trump Organization, as well as Trump, his family members, including Donald Trump Jr., and campaign associates. They've combed through the list of shell companies and buyers of Trump-branded real estate properties and scrutinized the roster of tenants at Trump Tower reaching back more than a half-dozen years. They've looked at the backgrounds of Russian business associates connected to Trump surrounding the 2013 Miss Universe pageant. CNN could not determine whether the review has included his tax returns.

In recent weeks, investigators have also [started looking into the June 2016 meeting](#) in Trump Tower and how the White House responded to news of that meeting. The session included Trump Jr.,

Russia, documented

Manafort, Trump's senior adviser and son-in-law Jared Kushner, and a Russian attorney.

Trump has denied any collusion and maintains that his business empire has "no involvement with Russia" and that he has "no loans, no nothing" from Russia. His lawyers have detailed a few exceptions, including the Miss Universe pageant he held in Moscow and the Florida mansion he sold to a Russian oligarch in 2008. Trump earned more than \$100 million from those deals, according to his lawyers.

"This is like any investigation," says one person briefed on the probe. "You start at the core and then move to the periphery. You have to explore the finances. Where this is going is no different from any investigation."

## The Mueller Team

Since his appointment in May, Mueller has quietly gathered a team of more than three dozen attorneys, investigators and other staff in a nondescript office in Washington. Officials familiar with the probe describe it as akin to a small US attorney's office, with FBI agents and prosecutors assigned to separate groups looking into various aspects of the investigation.

These include [groups of investigators and lawyers](#) focused separately on Russian collusion and obstruction of justice, as well as the investigations focused on Manafort and former National Security Adviser Michael Flynn, according to a US official briefed on the investigation. Some of the investigators have been pulled from field offices across the country to join the Mueller team in Washington. Others left high-paying jobs at law firms. Many of the investigators have backgrounds in investigating fraud and financial crimes. There are 16 attorneys assigned to the probe, according to a spokesman for Mueller.



**Related Article:** Everything Trump has said about who tried to hack the US election

The appointment of Mueller as special counsel has drawn the ire of Trump and his loyalists, who claim that the team has conflicts of interest. [Trump has tweeted about the "witch hunt" more than a dozen times](#) since Mueller was appointed. Some members of the team [previously contributed to Democratic campaigns](#).

Mueller reports to Deputy Attorney General Rod Rosenstein, but there's a measure of separation from Justice Department headquarters to keep the probe independent.

CNN has learned some of the investigators involved in the probe are buying liability insurance out of concern they could become targets of lawsuits from those who are being investigated, according to one of the people familiar with the probe. The Justice Department covers legal fees for employees sued in the course of their duties, but some of the lawyers want extra protection.

to comment on the liability concerns.

The Justice Department and special counsel's office both declined

## Bait and Switch

The possible financial ties between Trump and Russia were part of the concerns for US intelligence and law enforcement officials from the beginning, according to one current law enforcement official and one former US intelligence official.

Over the decades, the Trump real estate business and its financial dealings [have come under scrutiny](#) by the [FBI and the Justice Department multiple times](#).

In some cases, the FBI was pursuing others who did business with the Trump organization, [including alleged mobsters who controlled key contractors](#) used by many real estate developers in New York during the 1980s. The flow of Russian money in real estate -- and concerns that some buyers were making the purchases to illegally launder money -- had also drawn some attention by US authorities to the Trump business.



**Related Article:** Here's some of what Mueller might look at if he investigates obstruction

The international real estate business is a part of the global economy where foreigners can still use cash with fewer questions asked about the sources of money. Terrorism financing concerns long ago put more stringent rules on banking and other businesses. But the rules are looser in the business of buying and selling high-end real estate, US officials say.

Investigators are looking both at whether financial laws were broken and whether there are any dealings that could put the President or his associates in a compromising position.

"There's always been a concern about his exposure to blackmail in his financial dealings," says the person briefed on the investigation.

Trump has repeatedly insisted that he has no enduring financial ties to Russian interests.

But some of the people who are now under scrutiny by Mueller see a bait and switch. Instead of collusion, many believe the Mueller

probe will instead end up being about past financial troubles.

"They launch an investigation into collusion in the election," says one person whose client is among those being scrutinized by the Mueller investigators. "Then they go after people because of old business matters that have nothing to do with collusion."

## Missing Links

Even at the FBI, there's a measure of frustration over the investigation.

After a highly [contentious year investigating Hillary Clinton's private email servers](#) and being accused of swinging the election against her, the FBI finds itself again where officials tried not to be: amid a politically treacherous investigation that has hobbled a new President.

Worse yet, some FBI officials fear the question of whether there was any criminal coordination or collusion between the Trump campaign and Russia may never be answered.



**Related Article:** The Russia investigation: Everything you need to know

One challenge is that tantalizing pieces of intelligence are missing key links because they did not develop long enough for investigators to determine their significance. These include intercepts monitored by US intelligence that [showed suggestions of illegal coordination](#) but nothing overt.

Those missing links mean that the FBI and Mueller's prosecution team may not have enough evidence to bring charges related to possible illegal coordination with a foreign intelligence service. Instead, prosecutors could pursue financial crime charges unrelated to the election.

Investigators also face a big hurdle: those participating in the intercepted communications were foreigners, outside the reach of the FBI, who may be exaggerating or lying about events.

Some FBI officials also blame media coverage dating back to last summer for prompting some communications to cease, and making it more difficult for investigators to monitor the interactions of Russians and campaign associates.

## Scrambling to react

By last July when Russian intelligence began [releasing troves of stolen emails](#) from the Democratic National Committee, the FBI had been aware of the DNC intrusion about a year.

Until the stolen emails were weaponized in their release via WikiLeaks and the Russian intelligence's own site DCLeaks, intelligence and law enforcement officials believed the cyber-intrusion was an intelligence-gathering effort, like many of those that occurred before past elections.

Over the next four months, the Obama administration officials and law enforcement and intelligence agencies debated how to respond.

"You had an administration that didn't want to look heavy-handed" in favor of Hillary Clinton, one senior former US official involved in investigation said.

At the White House, Obama officials scrambled last summer for a strategy on how to respond to what they already knew were Russian actions, well before the administration was willing to point the finger publicly.



**Related Article:** Who's who in Trump-Russia saga

Michael Daniel, the White House cyber-security coordinator, ordered staff in August to draw up a list of possible retaliatory measures, according to a former administration official briefed on the matter. These included planting malware in Russian infrastructure that could be activated if the Russian actions escalated, according to the former official.

But shortly after Daniel gave the order, White House officials raised other concerns. Top officials including Susan Rice, national security adviser, and Lisa Monaco, homeland security adviser, led efforts by the White House to make sure the government could prevent any move by Russian intelligence to tamper with the voting infrastructure and sow chaos on Election Day.

Daniel, in an interview, declined to discuss specifics about measures considered in response, because much of the information remains classified. But he said one top concern for White House

officials was "it not appear we were trying to be partisan in what we were doing."

The partisan concerns were exacerbated by interactions between the White House and congressional leaders. Monaco traveled to Capitol Hill to try to get top leaders of both parties to send a letter to state governors to urge shoring up of their defenses of election infrastructure. But they were rebuffed by Republican leaders, who viewed the request as partisan, according to current and former officials briefed on the discussions.

Daniel told CNN he and his cyber-response group worked quietly, reducing the number of people allowed in meetings to avoid leaks. "We didn't need to do the Russians work for them," Daniel said. "We needed to develop diplomatic options first, and we [put] the other options on the back-burner."

After the election, the [Obama administration unveiled a series of measures](#), including expulsion of diplomats and seizure of Russian diplomatic compounds allegedly used for espionage. The technical staff also released a trove of information on Russian cyber-intrusion techniques and malware that current and former officials say forced the Russians to spend time and money coming up with new methods.

## Four Targets

Even before Mueller was appointed, FBI investigators focused on four Trump associates: [Paul Manafort, former campaign chairman](#), [Michael Flynn, former national security adviser](#), [Carter Page, cited by Trump as a national security adviser](#), and [Roger Stone, a Trump friend and supporter](#) who openly engaged with hackers calling themselves Guccifer 2.0, which US intelligence says was an online persona created as a cover for Russian intelligence agents.

The approach to the Manafort and Flynn probes may offer a template for how investigators' focus on possible financial crimes could help gain leverage and cooperation in the investigation.

CNN has learned that investigators became more suspicious when they turned up intercepted communications that US intelligence agencies collected among suspected Russian operatives discussing their efforts to work with Manafort, who served as campaign chairman for three months, to coordinate information that could damage Hillary Clinton's election prospects, the US officials say. The suspected operatives relayed what they claimed were conversations with Manafort, encouraging help from the Russians.

Manafort faces potential real troubles in the probe, according to current and former officials. Decades of doing business with foreign regimes with reputations for corruption, from the Philippines [to Ukraine, had led to messy finances](#).



**Related Article:** Timeline: What we know about the Trump campaign, his administration and Russia

The focus now for investigators is whether Manafort was involved in money laundering or tax violations in his business dealings with pro-Russia parties in Ukraine. He's also been [drawn into a related investigation](#) of his son-in-law's real estate business dealings, some of which he invested in.

Manafort has not been accused of any wrongdoing.

In response to questions about CNN's reporting, his spokesman, Jason Maloni, says it "is becoming increasingly apparent that there was no collusion between the campaign and the Russian government."

Maloni offered further comment to CNN after the initial publication of this story, saying: "Paul Manafort did not collude with the Russian government to undermine the 2016 election or to hack the DNC. Other than that comment, we aren't going to respond to anonymous officials illegally peddling second hand conspiracy

theories. But the Justice Department, and the courts if necessary, should hold someone to account for the flood of unlawful government leaks targeting Mr. Manafort."

Flynn drew suspicions in late 2016 when US spy agencies collecting the communications of Russian Ambassador Sergei Kislyak found Flynn, the incoming national security adviser, discussing the subject of US sanctions on Russia. That [appeared to contradict White House claims](#) that Flynn had not discussed sanctions in his talks with Kislyak.

On January 24, Andrew McCabe, then the deputy FBI director, called Flynn at his White House office. He told the retired lieutenant general that he was sending a couple of FBI agents to discuss a matter with him, according to people familiar with what unfolded. Flynn spoke to McCabe without his lawyer present.

At the FBI, the decision to approach Flynn was debated at the highest levels, including by Comey, according to sources familiar with those discussions. FBI officials considered the visit by agents a "duty to warn" matter, a not-uncommon effort by the FBI to warn a US official that foreign spies may be trying to target them.

The agents asked Flynn about the Kislyak calls, in part out of concern that Flynn could be vulnerable to blackmail over the content of the conversations. Flynn gave a wobbly explanation of events. He initially denied the sanctions discussions, then later claimed he couldn't remember.

Despite the conflicting accounts, FBI investigators have [leaned against seeking charges](#) over the Kislyak discussions. The investigators don't consider Flynn's answers to be intentionally dishonest.

Flynn's lawyers have criticized media reports about his connection to the Russia investigation as peddling "unfounded allegations" and "outrageous claims."

More troublesome for Flynn, investigators have focused on [his lobbying work for the Turkish government](#), which the former Defense Intelligence Agency chief didn't initially disclose as required by law. Flynn's lawyers have since retroactively registered his lobbying.

Page had been the subject of a secret intelligence surveillance warrant since 2014, earlier than had been previously reported, US officials briefed on the probe told CNN.

When information emerged last summer suggesting that the Russians were attempting to cultivate Page as a [way to gain an entrée into the Trump campaign](#), the FBI renewed its interest in him. Initially, FBI counterintelligence investigators saw the campaign as possible victims being targeted by Russian intelligence.

Page denies working with any Russians as part of the Kremlin's election meddling, though he admits interacting with some Russians during the campaign.

Stone denies collusion and says his conversations with Guccifer 2.0, which he since posted online, were innocuous.

*Editor's note: This story has been updated with additional comments from Manafort's spokesman, Jason Maloni, that were given to CNN after the initial publication.*