

Russia Probe Charges Show Mueller In Dive Bomb Mode

By **Sindhu Sundar**

Law360, New York (October 30, 2017, 11:20 PM EDT) -- A 31-page indictment detailing how former Trump campaign chairman Paul Manafort and an associate allegedly masked \$75 million in payments from pro-Russian clients, and a newly unsealed guilty plea by a lesser-known adviser, show special counsel Robert Mueller strategically pursuing charges big and small to swoop in on the president's closest associates.

Manafort and his associate Richard W. Gates III were charged in D.C. with a meticulous accounting of their overseas lobbying work including for former Ukrainian President Viktor Yanukovich, who has since fled to Russia, and their alleged efforts to channel those payments through numerous offshore accounts in Cyprus and St. Vincent and the Grenadines. On Monday, a D.C. federal court also unsealed a guilty plea by George Papadopoulos, a former foreign policy adviser to the Trump campaign, to lying to FBI officials, a fairly minor felony charge.

But what Mueller has done in both instances is to keenly establish leverage, to get Manafort and Papadopoulos to "flip" or cooperate, former prosecutors say. That way, he may soon close in on the central figures in the Trump campaign:

President Donald Trump himself, his son Don Jr., his son-in-law Jared Kushner, and Michael Flynn, who played a short-lived role as national security adviser in the Trump administration.

The litany of conspiracy and money laundering charges against Manafort and Gates in particular raises the specter of decadeslong prison sentences, giving Manafort an incentive to speak to prosecutors about the Trump campaign's interactions with Russian officials. In contrast, Mueller's team deployed a small count to nail Papadopoulos, a key foreign policy adviser, who admitted to lying to FBI agents this year about his conversations during last year's campaign with a Russia-connected professor who offered "dirt" on Trump's campaign rival Hillary Clinton. Prosecutors seldom bring charges over false testimony, since witnesses so frequently lie to investigators, and the count, which falls under 18 USC 1001, carries only a maximum five-year prison term. But Mueller's team likely saw Papadopoulos' cooperation as a



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way to get closer to prime Trump associates, former prosecutors said.

“When I was a prosecutor, we often said that if we charged every witness who lied to us with a 1001, we’d never get anything done,” said Sarah Hall, a senior counsel at Thompson Hine LLP, who until July prosecuted white collar crime at the U.S. Department of Justice. “But they went after [Papadopoulos] because clearly he’s someone who, because of his position in the Trump campaign, would be quite valuable to the investigation.”

Papadopoulos, more so than Manafort, may prove to be a particularly crucial witness to discussions central to the question of whether the Trump campaign colluded with Russian officials, former prosecutors said. According to a statement of offense released with his guilty plea, Papadopoulos has admitted that he spoke to the professor with Russian connections while he served as a Trump campaign adviser.

The professor had told Papadopoulos during the campaign that his Russian government contacts had “thousands of emails” of “dirt” against the Hillary campaign, the statement of offense said. The professor had also met with some Russian officials in Moscow before telling Papadopoulos about the the emails damaging to Hillary’s campaign, a fact Papadopoulos also knew but had downplayed to FBI investigators, according to the statement of offense.

That alone can help demonstrate the Russian government’s interest in the Trump campaign, their efforts to communicate with its officials and to offer information damaging to Trump’s adversary, said Melinda Haag, a former U.S. attorney in San Francisco who has worked with Mueller and is now a partner at Orrick.

“A head of the Trump campaign was indicted, and someone in the inner circle has pled guilty,” she said. “In a sense, they are one step from the question of whether there was collusion.”

The contrasting approaches that Mueller’s team took toward Manafort and Papadopoulos are also calculated to send a strong message to others in his crosshairs, former prosecutors said. Papadopoulos was able to keep a low profile while apparently cooperating with prosecutors and negotiating a plea deal — he reached the deal on Oct. 5, weeks before it was unsealed Monday. News of his arrest in July did not even make headlines until this week.

Manafort on the other hand, who pled not guilty on Monday, has been in the news for months, particularly since the FBI’s dawn raid of his Virginia home.

“They’re sending a message that if you’re out there and feel you’ve misled federal investigators, it’s not too late, but you better come in now, correct the record and if you have useful information, we’ll sign you up,” said Harry Sandick of Patterson Belknap Webb & Tyler LLP, a former prosecutor at the U.S. attorney’s office in Manhattan. “You can plead guilty in a sealed proceeding, and no one will have to see you walk into court.”

Those contemplating Manafort’s more defiant style may be in for a different treatment, he said.

“If you are sticking fast to your prior conduct and don’t want to come in and compromise and admit to what you did, they’ll come for you, even if what they indict you for doesn’t expressly touch on Trump and Russia colluding,” he said.

Former National Security Adviser Michael Flynn is widely expected to be one of Mueller's next targets, over whether his reported lobbying work for the Turkish government overlapped with his role as Trump's campaign adviser on foreign policy.

--Editing by Jocelyn Allison and Pamela Wilkinson.

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