

## Why Evidence Will Probably Never Be Produced in the Indictments of 'Russian Agents'

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The indictment of 12 Russian 'agents,' which included no collusion with Trump's team, is essentially a political and not legal document because it is almost certain the U.S. government will never have to present any evidence in court.



Charges against 12 Russian intelligence agents for allegedly hacking emails from the Democratic Party during the 2016 presidential election were announced by the U.S. Justice Department on Friday at the very moment President Donald Trump was meeting Queen Elizabeth II at Windsor Castle and just days before a summit between Trump and Russian President Vladimir Putin in Helsinki.

A central claim of Russia-gate has been that the Russian government with help from the Trump campaign stole emails from the Democratic Party and the Hillary Clinton campaign and then gave those emails to WikiLeaks for publication to damage Clinton's quest for the White House.

Until Friday however, the investigation into the allegations had produced no formal indictment of Russian government interference in the election. Like previous U.S. government accusations against Russia for alleged election meddling, the indictment makes assertions without providing evidence. Indictments do not need to show evidence and under U.S. law, indictments are [not](#) considered evidence. And it is highly unlikely that the government will ever have to produce any evidence in court.

Friday's [indictments](#) do not include any charges against Trump campaign members for allegedly colluding with the Russian government to carry out the hacks. That has been at the core of allegations swirling in U.S. media for two years. If the alleged co-conspirators "known" to the DOJ were on the Trump team, the indictments do not say. There is only a hint that "unknown" persons might be.

In announcing the indictments at a press conference Friday, Deputy Attorney General Rod Rosenstein said: "The conspirators corresponded with several Americans during the course of the conspiracy through the internet. There's no allegation in this indictment that the Americans knew they were corresponding with Russian intelligence officers."

The indictment alleges that Russian agents, posing as Guccifer 2.0, communicated on Aug. 15, 2016 with “a person who was in regular contact with senior members” of the Trump campaign, mostly like advisor Roger Stone, who has spoken about communicating with Guccifer 2.0. The indictment says Guccifer offered to “help u anyhow,” apparently indicating that Stone did want Guccifer 2.0’s help.

### Clinging to ‘Collusion’

The lack of evidence that the Trump campaign was colluding with Russia has never stopped Democrats and their media outlets from believing unnamed U.S. intelligence sources for two years about such collusion. “Collusion” is the title of a best-selling book about the supposed Trump-Russia conspiracy to steal the election, but such a charge is not to be found.

The indictment excluding collusion also undermines the so-called Steele dossier, a work of opposition research paid for by the DNC and Clinton campaign masquerading as an intelligence document because it was compiled by a former MI6 agent. The memos falsely claimed, it turns out, that Trump’s people started colluding with Russia years before he became a candidate.

But even after Friday’s indictments failed to charge anyone from Trump’s team, the Democratic media continued to insist there was collusion. A New York Times [story](#), headlined, “Trump Invited the Russians to Hack Clinton. Were They Listening?,” said Russia may have absurdly responded to Trump’s call at 10:30 a.m. on July 27, 2016 to hack Clinton’s private email server because it was “on or about” that day that Russia allegedly first made an attempt to hack Clinton’s personal emails, according to the indictment, which makes no connection between the two events.

If Russia is indeed guilty of remotely hacking the emails it would have had no evident need of assistance from anyone on the Trump team, let alone a public call from Trump on national TV to commence the operation.

Instead of Trump operatives, the indictments name 12 Russians, allegedly agents from the GRU, the Russian military intelligence agency. The agents “knowingly and intentionally conspired with each other, and with persons known and unknown to the Grand Jury (collectively the ‘Conspirators’), to gain unauthorized access (to ‘hack’) into the computers of U.S. persons and entities involved in the 2016 U.S. presidential election, steal documents from those computers, and stage releases of the stolen documents to interfere with the 2016 U.S. presidential election,” the 29-page [indictment](#) says.

“Starting in at least March 2016, the Conspirators used a variety of means to hack the email accounts of volunteers and employees of the U.S. presidential campaign of Hillary Clinton (the ‘Clinton Campaign’), including the email account of the Clinton Campaign’s chairman,” the indictment says.

### Obvious Timing

The timing of the announcement was clearly intended to embarrass Trump as he was meeting the Queen and to undermine his upcoming meeting with Putin on July 16. The indictments may also have been meant to embarrass Russia two days before the World Cup final to be held in Moscow.

Pressure was immediately brought on Trump to cancel the summit in light of the indictments, which may have been the main goal in the timing of their announcement. “Glad-handing with Vladimir Putin on the heels of these indictments would be an insult to our democracy,” Senator Chuck Schumer (D-NY) said in a statement less than an hour after the indictments were announced. “President Trump should cancel his meeting with Vladimir Putin until Russia takes demonstrable

and transparent steps to prove that they won't interfere in future elections," Schumer said.

With no apparent irony, The New York Times [reported](#), "The timing of the indictment ... added a jolt of tension to the already freighted atmosphere surrounding Mr. Trump's meeting with Mr. Putin. It is all but certain to feed into the conspiratorial views held by the president and some of his allies that Mr. Mueller's prosecutors are determined to undermine Mr. Trump's designs for a rapprochement with Russia."

## Russia Denies

The Russian government on Friday strongly denied the charges. In a statement, the Foreign Ministry called the indictments "a shameful farce" that was not backed up by any evidence. "Obviously, the goal of this 'mud-slinging' is to spoil the atmosphere before the Russian-American summit," the statement said.

The Ministry added that the 12 named Russians were not agents of the GRU.

"When you dig into this indictment ... there are huge problems, starting with how in the world did they identify 12 Russian intelligence officers with the GRU?" said former CIA analyst Larry Johnson in an interview with Consortium News. Johnson pointed out that the U.S. Defense Intelligence Agency was not allowed to take part in the January 2017 Intelligence Community Assessment on alleged interference by the GRU. Only hand-picked analysts from the FBI, the NSA and the CIA were involved.

"The experts in the intelligence community on the GRU ... is the Defense Intelligence Agency and they were not allowed to clear on that document," Johnson said.

"When you look at the level of detail about what [the indictment is] claiming, there is no other public source of information on this, and it was not obtained through U.S. law enforcement submitting warrants and getting affidavits to conduct research in Russia, so it's clearly intelligence information from the NSA, most likely," Johnson said.

## CrowdStrike's Role

The indictment makes clear any evidence of an alleged hack of the DNC and DCCC computers did not come from the FBI, which was never given access to the computers by the DNC, but instead from the private firm CrowdStrike, which was hired by the DNC. It is referred to as Company 1 in the indictment.

"Despite the Conspirators' efforts to hide their activity, beginning in or around May 2016, both the DCCC and DNC became aware that they had been hacked and hired a security company ("Company 1") to identify the extent of the intrusions," the indictment says.

The indictment doesn't mention it, but within a day, CrowdStrike claimed to find Russian "fingerprints" in the metadata of a DNC opposition research document, which had been revealed by DCLeaks, showing Cyrillic letters and the name of the first Soviet intelligence chief. That supposedly implicated Russia in the hack.

CrowdStrike claimed the alleged Russian intelligence operation was extremely sophisticated and skilled in concealing its external penetration of the server. But CrowdStrike's conclusion about Russian "fingerprints" resulted from clues that would have been left behind by extremely sloppy or

amateur hackers—or inserted intentionally to implicate the Russians.

One of CrowdStrike’s founders has ties to the anti-Russian Atlantic Council raising questions of political bias. And the software it used to determine Russia’s alleged involvement in the DNC hack, was later proved to be faulty in a high-profile case in Ukraine, [reported](#) by the Voice of America.

The indictment then is based at least partially on evidence produced by an interested private company, rather than the FBI.

#### Evidence Likely Never to be Seen

Other apparent sources for information in the indictment are intelligence agencies, which normally create hurdles in a criminal prosecution.

“In this indictment there is detail after detail whose only source could be intelligence, yet you don’t use intelligence in documents like this because if these defendants decide to challenge this in court, it opens the U.S. to having to expose sources and methods,” Johnson said.

If the U.S. invoked the states secret privilege so that classified evidence could not be revealed in court a conviction before a civilian jury would be jeopardized.

Such a trial is extremely unlikely however. That makes the indictment essentially a political and not a legal document because it is almost inconceivable that the U.S. government will have to present any evidence in court to back up its charges. This is simply because of the extreme unlikelihood that arrests of Russians living in Russia will ever be made.

In this way it is similar to the indictment earlier this year of the Internet Research Agency of St. Petersburg, Russia, a private click bait company that was alleged to have interfered in the 2016 election by buying social media ads and staging political rallies for both Clinton and Trump. It seemed that no evidence would ever have to back up the indictment because there would never be arrests in the case.

But Special Counsel Robert Mueller was stunned when lawyers for the internet company showed up in Washington demanding discovery in the case. That caused Mueller to scramble and demand a delay in the first hearing, which was rejected by a federal judge. Mueller is now battling to keep so-called sensitive material out of court.

In both the IRA case and Friday’s indictments, the extremely remote possibility of convictions were not what Mueller was apparently after, but rather the public perception of Russia’s guilt resulting from fevered media coverage of what are after all only accusations, presented as though it is established fact. Once that impression is settled into the public consciousness, Mueller’s mission would appear to be accomplished.

For instance, the Times routinely dispenses with the adjective “alleged” and reports the matter as though it is already established fact. It called Friday’s indictments, which are only unproven charges, “the most detailed accusation by the American government to date of the [not alleged] Russian government’s interference in the 2016 election, and it includes a litany of [not alleged] brazen Russian subterfuge operations meant to foment chaos in the months before Election Day.”

#### GRU Named as WikiLeaks’s Source

The indictment claims that GRU agents, posing as Guccifer 2.0, (who says he is a Romanian hacker) stole the Democratic documents and later emailed a link to them to WikiLeaks, named as "Organization 1." No charges were brought against WikiLeaks on Friday.

"After failed attempts to transfer the stolen documents starting in late June 2016, on or about July 14, 2016, the Conspirators, posing as Guccifer 2.0, sent Organization 1 an email with an attachment titled 'wk dnc linkl.txt.gpg,'" the indictment says. "The Conspirators explained to Organization 1 that the encrypted file contained instructions on how to access an online archive of stolen DNC documents. On or about July 18, 2016, Organization 1 confirmed it had 'the 1Gb or so archive' and would make a release of the stolen documents' this week."

WikiLeaks founder and editor Julian Assange, who is in exile in the Ecuador embassy in London, has long denied that he got the emails from any government. Instead Assange has suggested that his source was a disgruntled Democratic Party worker, Seth Rich, whose murder on the streets of Washington in July 2016 has never been solved.

On Friday, WikiLeaks did not repeat the denial that a government was its source. Instead it tweeted: "Interesting timing choice by DoJ today (right before Trump-Putin meet), announcing indictments against 12 alleged Russian intelligence officers for allegedly releasing info through DCLeaks and Guccifer 2.0."

Assange has had all communication with the outside world shut off by the Ecuadorian government two months ago.

Since the indictments were announced, WikiLeaks has not addressed the charge that GRU agents, posing as Guccifer 2.0, were its source. WikiLeaks' policy is to refuse to disclose any information about its sources. WikiLeaks' denial that the Russian government gave them the emails could be based on its belief that Guccifer 2.0 was who he said he was, and not what the U.S. indictments allege.

Those indictments claim that the Russian military intelligence agents adopted the personas of both Guccifer 2.0 and DCLeaks to publish the Democratic Party documents online, before the Russian agents, posing as Guccifer 2.0, allegedly supplied WikiLeaks.

The emails, which the indictment does not say are untrue, damaged the Clinton campaign. They revealed, for instance, that the campaign and the Democratic Party worked to deny the nomination to Clinton's Democratic Party primary challenger Bernie Sanders.

The indictments also say that the Russian agents purchased the use of a computer server in Arizona, using bitcoin to hide their financial transactions. The Arizona server was used to receive the hacked emails from the servers of the Democratic Party and the chairman of Clinton's campaign, the indictment alleges. If true it would mean the transfer of the emails took place within the United States, rather than overseas, presumably to Russia.

Some members of the Veterans' Intelligence Professionals for Sanity argue that metadata evidence points to a local download from the Democratic computers, in other words a leak, rather than a hack. They write the NSA would have evidence of a hack and, unlike this indictment, could make the evidence public: "Given NSA's extensive trace capability, we conclude that DNC and HRC servers alleged to have been hacked were, in fact, not hacked. The evidence that should be there is absent; otherwise, it would surely be brought forward, since this could be done without any danger to sources and methods."

That argument was either ignored or dismissed by Mueller's team.

## The Geopolitical Context

It is not only allies of Trump, as the Times thinks, who believe the timing of the indictments, indeed the entire Russia-gate scandal, is intended to prevent Trump from pursuing detente with nuclear-armed Russia. Trump said of the indictments that, "I think that really hurts our country and it really hurts our relationship with Russia. I think that we would have a chance to have a very good relationship with Russia and a very good chance — a very good relationship with President Putin."

There certainly appear to be powerful forces in the U.S. that want to stop that.

After the collapse of the Soviet Union in 1991, Wall Street rushed in behind Boris Yeltsin and Russian oligarchs to asset strip virtually the entire country, impoverishing the population. Amid widespread accounts of this grotesque corruption, Washington [intervened](#) in Russian politics to help get Yeltsin re-elected in 1996. The political rise of Vladimir Putin after Yeltsin resigned on New Year's Eve 1999 reversed this course, restoring Russian sovereignty over its economy and politics.

That inflamed American hawks whose desire is to install another Yeltsin-like figure and resume U.S. exploitation of Russia's vast natural and financial resources. To advance that cause, U.S. presidents have supported the eastward expansion of NATO and have deployed 30,000 troops on Russia's borders.

In 2014, the Obama administration helped [orchestrate a coup](#) that toppled the elected government of Ukraine and installed a fiercely anti-Russian regime. The U.S. also undertook the risky policy of aiding jihadists to overthrow a secular Russian ally in Syria. The consequences have brought the world closer to nuclear annihilation than at [any time since](#) the Cuban missile crisis in 1962.

In this context, the Democratic Party-led Russia-gate appears to have been used not only to explain away Clinton's defeat but to stop Trump — possibly via impeachment or by inflicting severe political damage — because he talks about cooperation with Russia.

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