Investigative Technique

Similar

Unit 74455 also sent spearphishing emails to public officials involved in election administration and personnel at companies involved in voting technology. In August 2016, GRU officers targeted employees of [REDACTED], a voting technology company that developed software used by numerous U.S. counties to manage voter rolls, and installed malware on the company network. Similarly, in November 2016, the GRU sent spearphishing emails to over 120 email accounts used by Florida county officials responsible for administering the 2016 U.S. election. The spearphishing emails contained an attached Word document coded with malicious software (commonly referred to as a Trojan) that permitted the GRU to gain access to the network of at least one Florida county government. The FBI was separately responsible for this investigation. We understand the FBI believes that this operation enabled the GRU to gain access to the network of at least one Florida county government. The Office did not independently verify that belief and, as explained above, did not undertake the investigative steps that would have been necessary to do so.

D. Trump Campaign and the Dissemination of Hacked Materials

The Trump Campaign showed interest in WikiLeaks’s releases of hacked materials throughout the summer and fall of 2016.

1. Harm to Ongoing Matter
   a. Background

Harm to Ongoing Matter

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191 Nerysho Indictment ¶ 76. Investigative Technique

192 Investigative Technique
b. Contacts with the Campaign about WikiLeaks

On June 12, 2016, Assange claimed in a televised interview to “have emails relating to Hillary Clinton which are pending publication,” but provided no additional context.

In debriefings with the Office, former deputy campaign chairman Rick Gates said that Trump being generally frustrated that the Clinton emails had not been found. Paul Manafort, who would later become campaign chairman, Gates recalled candidate

193 See Mahita Gajanan, Julian Assange Timed DNC Email Release for Democratic Convention, Time (July 27, 2016) (quoting the June 12, 2016 television interview).

195 In February 2018, Gates pleaded guilty, pursuant to a plea agreement, to a superseding criminal information charging him with conspiring to defraud and commit multiple offenses (i.e., tax fraud, failure to report foreign bank accounts, and acting as an unregistered agent of a foreign principal) against the United States, as well as making false statements to our Office. Superseding Criminal Information, United States v. Richard W. Gates III, 1:17-cr-201 (D.D.C. Feb. 23, 2018), Doc. 195 (“Gates Superseding Criminal Information”); Plea Agreement, United States v. Richard W. Gates III, 1:17-cr-201 (D.D.C. Feb. 23, 2018), Doc. 205 (“Gates Plea Agreement”). Gates has provided information and in-court testimony that the Office has deemed to be reliable.


197 As explained further in Volume I, Section IV.A.8, infra, Manafort entered into a plea agreement with our Office. We determined that he breached the agreement by being untruthful in proffer sessions and before the grand jury. We have generally recounted his version of events in this report only when his statements are sufficiently corroborated to be trustworthy; to identify issues on which Manafort’s untruthful responses may themselves be of evidentiary value; or to provide Manafort’s explanations for certain events, even when we were unable to determine whether that explanation was credible. His account appears here principally because it aligns with those of other witnesses.
Michael Cohen, former executive vice president of the Trump Organization and special counsel to Donald J. Trump, told the Office that he recalled an incident in which he was in candidate Trump's office in Trump Tower. Cohen further told the Office that, after WikiLeaks's subsequent release of stolen DNC emails in July 2016, candidate Trump said to Cohen something to the effect of, "I want to be kept apprised of any legal issues in the campaign." According to Gates, Manafort expressed excitement about the release of the stolen emails. Manafort, for his part, told the Office that, shortly after the WikiLeaks July 22 release, Manafort also spoke with candidate Trump and wanted to be kept apprised of any legal issues in the campaign.

In November 2018, Cohen pleaded guilty pursuant to a plea agreement to a single-count information charging him with making false statements to Congress, in violation of 18 U.S.C. § 1001(a) & (c). He had previously pleaded guilty to several other criminal charges brought by the U.S. Attorney's Office in the Southern District of New York, after a referral from this Office. In the months leading up to his false-statements guilty plea, Cohen met with our Office on multiple occasions for interviews and provided information that the Office has generally assessed to be reliable and that is included in this report.
developments with WikiLeaks and separately told Gates to keep in touch about future WikiLeaks releases.\textsuperscript{206}

According to Gates, by the late summer of 2016, the Trump Campaign was planning a press strategy, a communications campaign, and messaging based on the possible release of Clinton emails by WikiLeaks.\textsuperscript{207} Harm to Ongoing Matter while Trump and Gates were driving to LaGuardia Airport, shortly after the call candidate Trump told Gates that more releases of damaging information would be coming.\textsuperscript{209}

\textbf{Harm to Ongoing Matter}

\textbf{c. Harm to Ongoing Matter}

Corsi is an author who holds a doctorate in political science.\textsuperscript{212} In 2016, Corsi also worked for the media outlet WorldNetDaily (WND).\textsuperscript{Harm to Ongoing Matter}

\textsuperscript{206} Grand Jury

\textsuperscript{207} Gates 4/10/18 302, at 3; Gates 4/11/18 302, at 1-2 (SM-2180998); Gates 10/25/18 302, at 2.

\textsuperscript{208} HOM

\textsuperscript{209} Gates 10/25/18 302 (serial 241), at 4.

\textsuperscript{210} HOM

\textsuperscript{211} HOM

\textsuperscript{212} Corsi first rose to public prominence in August 2004 when he published his book *Unfit for Command: Swift Boat Veterans Speak Out Against John Kerry*. In the 2008 election cycle, Corsi gained prominence for being a leading proponent of the allegation that Barack Obama was not born in the United States. Corsi told the Office that Donald Trump expressed interest in his writings, and that he spoke with Trump on the phone on at least six occasions. Corsi 9/6/18 302, at 3.

\textsuperscript{213} Corsi 10/31/18 302, at 2; Grand Jury Corsi was first interviewed on September 6, 2018 at the Special Counsel’s offices in Washington, D.C. He was accompanied by counsel throughout the interview. Corsi was subsequently interviewed on September 17, 2018; September 21, 2018; October 31, 2018; November 1, 2018; and November 2, 2018. Counsel was
Corsi told the Office during interviews that he “must have” previously discussed Assange with Malloch. <sup>215</sup> Harm to Ongoing Matter

According to Malloch, Corsi asked him to put Corsi in touch with Assange, whom Corsi wished to interview. Malloch recalled that Corsi also suggested that individuals in the “orbit” of U.K. politician Nigel Farage might be able to contact Assange and asked if Malloch knew them. Malloch told Corsi that he would think about the request but made no actual attempt to connect Corsi with Assange. <sup>218</sup> Harm to Ongoing Matter

present for all interviews, and the interviews beginning on September 21, 2018 were conducted pursuant to a proffer agreement that precluded affirmative use of his statements against him in limited circumstances.  

Malloch denied ever communicating with Assange or WikiLeaks, stating that he did not pursue the request to contact Assange because he believed he had no connections to Assange.
Malloch stated to investigators that beginning in or about August 2016, he and Corsi had multiple FaceTime discussions about WikiLeaks

had made a connection to Assange and that the hacked emails of John Podesta would be released prior to Election Day and would be helpful to the Trump Campaign. In one conversation in or around August or September 2016, Corsi told Malloch that the release of the Podesta emails was coming, after which “we” were going to be in the driver’s seat.\textsuperscript{221}
d. WikiLeaks’s October 7, 2016 Release of Stolen Podesta Emails

On October 7, 2016, four days after the Assange press conference, the Washington Post published an Access Hollywood video that captured comments by candidate Trump some years earlier and that was expected to adversely affect the Campaign. Less than an hour after the video’s publication, WikiLeaks released the first set of emails stolen by the GRU from the account of Clinton Campaign chairman John Podesta.

Corsi said that, because he had no direct means of communicating with WikiLeaks, he told members of the news site WND—who were participating on a conference call with him that day—to reach Assange immediately. Corsi claimed that the pressure was

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239 Candidate Trump can be heard off camera making graphic statements about women.

240 HOM

241 HOM

242 HOM

243 HOM

244 In a later November 2018 interview, Corsi stated that he believed Malloch was on the call but then focused on other individuals who were on the call-invitation, which Malloch was not. (Separate travel records show that at the time of the call, Malloch was aboard a transatlantic flight). Corsi at one point stated that after WikiLeaks’s release of stolen emails on October 7, 2016, he concluded Malloch had gotten in contact with Assange. Corsi 11/1/18 302, at 6.
enormous and recalled telling the conference call the Access Hollywood tape was coming.\textsuperscript{245} Corsi stated that he was convinced that his efforts had caused WikiLeaks to release the emails when they did.\textsuperscript{246} In a later November 2018 interview, Corsi stated that he thought that he had told people on a WND conference call about the forthcoming tape and had sent out a tweet asking whether anyone could contact Assange, but then said that maybe he had done nothing.\textsuperscript{247} 

The Office investigated Corsi’s allegations about the events of October 7, 2016 but found little corroboration for his allegations about the day.\textsuperscript{248} However, the phone records themselves do not indicate that the conversation was with any of the reporters who broke the Access Hollywood story, and the Office has not otherwise been able to identify the substance of the conversation.\textsuperscript{249} However, the Office has not identified any conference call participant, or anyone who spoke to Corsi that day, who says that they received non-public information about the tape from Corsi or acknowledged having contacted a member of WikiLeaks on October 7, 2016 after a conversation with Corsi.

\textit{e. Donald Trump Jr. Interaction with WikiLeaks}

Donald Trump Jr. had direct electronic communications with WikiLeaks during the campaign period. On September 20, 2016, an individual named Jason Fishbein sent WikiLeaks the password for an unlaunched website focused on Trump’s “unprecedented and dangerous” ties

\textsuperscript{245} During the same interview, Corsi also suggested that he may have sent out public tweets because he knew Assange was reading his tweets. Our Office was unable to find evidence of any such tweets.

\textsuperscript{246} Corsi 9/21/18 302, at 6-7.

\textsuperscript{247} Corsi 11/1/18 302, at 6.

\textsuperscript{248} Harm to Ongoing Matter

\textsuperscript{249} Harm to Ongoing Matter

\textsuperscript{250} HOM

\textsuperscript{251} HOM

Harm to Ongoing Matter
to Russia, PutinTrump.org. WikiLeaks publicly tweeted: “Let’s bomb Iraq” Progress for America PAC to launch “PutinTrump.org” at 9:30am. Oops pw is ‘putintrump’ putintrump.org.” Several hours later, WikiLeaks sent a Twitter direct message to Donald Trump Jr., “A PAC run anti-Trump site putintrump.org is about to launch. The PAC is a recycled pro-Iraq war PAC. We have guessed the password. It is ‘putintrump.’ See ‘About’ for who is behind it. Any comments?”

Several hours later, Trump Jr. emailed a variety of senior campaign staff:

Guys I got a weird Twitter DM from wikileaks. See below. I tried the password and it works and the about section they reference contains the next pic in terms of who is behind it. Not sure if this is anything but it seems like it’s really wikileaks asking me as I follow them and it is a DM. Do you know the people mentioned and what the conspiracy they are looking for could be? These are just screen shots but it’s a fully built out page claiming to be a PAC let me know your thoughts and if we want to look into it.

Trump Jr. attached a screenshot of the “About” page for the unlaunched site PutinTrump.org. The next day (after the website had launched publicly), Trump Jr. sent a direct message to WikiLeaks: “Off the record, I don’t know who that is but I’ll ask around. Thanks.”

On October 3, 2016, WikiLeaks sent another direct message to Trump Jr., asking “you guys” to help disseminate a link alleging candidate Clinton had advocated using a drone to target Julian Assange. Trump Jr. responded that he already “had done so,” and asked, “what’s behind this Wednesday leak I keep reading about?” WikiLeaks did not respond.

On October 12, 2016, WikiLeaks wrote again that it was “great to see you and your dad talking about our publications. Strongly suggest your dad tweets this link if he mentions us wltsearch.tk.” WikiLeaks wrote that the link would help Trump in “digging through” leaked emails and stated, “we just released Podesta emails Part 4.” Two days later, Trump Jr. publicly tweeted the wltsearch.tk link.

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252 9/20/16 Twitter DM, @JasonFishbein to @WikiLeaks; see JF00587 (9/21/16 Messages, @jabber.cryptoparty.is & @jabber.cryptoparty.is); Fishbein 9/5/18 302, at 4. When interviewed by our Office, Fishbein produced what he claimed to be logs from a chatroom in which the participants discussed U.S. politics; one of the other participants had posted the website and password that Fishbein sent to WikiLeaks.

253 9/20/16 Twitter DM, @WikiLeaks to @DonaldJTrumpJr.

254 TRUMPORG_28_000629-33 (9/21/16 Email, Trump Jr. to Conway et al. (subject “WikiLeaks”).

255 9/21/16 Twitter DM, @DonaldJTrumpJr to @WikiLeaks.

256 10/3/16 Twitter DMs, @DonaldJTrumpJr & @WikiLeaks.

257 At the time, the link took users to a WikiLeaks archive of stolen Clinton Campaign documents.

258 10/12/16 Twitter DM, @WikiLeaks to @DonaldJTrumpJr.

259 @DonaldJTrumpJr 10/14/16 (6:34 a.m.) Tweet.
2. Other Potential Campaign Interest in Russian Hacked Materials

Throughout 2016, the Trump Campaign expressed interest in Hillary Clinton’s private email server and whether approximately 30,000 emails from that server had in fact been permanently destroyed, as reported by the media. Several individuals associated with the Campaign were contacted in 2016 about various efforts to obtain the missing Clinton emails and other stolen material in support of the Trump Campaign. Some of these contacts were met with skepticism, and nothing came of them; others were pursued to some degree. The investigation did not find evidence that the Trump Campaign recovered any such Clinton emails, or that these contacts were part of a coordinated effort between Russia and the Trump Campaign.

a. Henry Oknyansky (a/k/a Henry Greenberg)

In the spring of 2016, Trump Campaign advisor Michael Caputo learned through a Florida-based Russian business partner that another Florida-based Russian, Henry Oknyansky (who also went by the name Henry Greenberg), claimed to have information pertaining to Hillary Clinton. Caputo notified Roger Stone and brokered communication between Stone and Oknyansky. Oknyansky and Stone set up a May 2016 in-person meeting.\(^{260}\)

Oknyansky was accompanied to the meeting by Alexei Rasin, a Ukrainian associate involved in Florida real estate. At the meeting, Rasin offered to sell Stone derogatory information on Clinton that Rasin claimed to have obtained while working for Clinton. Rasin claimed to possess financial statements demonstrating Clinton’s involvement in money laundering with Rasin’s companies. According to Oknyansky, Stone asked if the amounts in question totaled millions of dollars but was told it was closer to hundreds of thousands. Stone refused the offer, stating that Trump would not pay for opposition research.\(^{261}\)

Oknyansky claimed to the Office that Rasin’s motivation was financial. According to Oknyansky, Rasin had tried unsuccessfully to shop the Clinton information around to other interested parties, and Oknyansky would receive a cut if the information was sold.\(^{262}\) Rasin is noted in public source documents as the director and/or registered agent for a number of Florida companies, none of which appears to be connected to Clinton. The Office found no other evidence that Rasin worked for Clinton or any Clinton-related entities.

In their statements to investigators, Oknyansky and Caputo had contradictory recollections about the meeting. Oknyansky claimed that Caputo accompanied Stone to the meeting and provided an introduction, whereas Caputo did not tell us that he had attended and claimed that he was never told what information Oknyansky offered. Caputo also stated that he was unaware Oknyansky sought to be paid for the information until Stone informed him after the fact.\(^{263}\)

\(^{260}\) Caputo 5/2/18 302, at 4; Oknyansky 7/13/18 302, at 1.

\(^{261}\) Oknyansky 7/13/18 302, at 1-2.

\(^{262}\) Oknyansky 7/13/18 302, at 2.

\(^{263}\) Caputo 5/2/18 302, at 4; Oknyansky 7/13/18 302, at 1.
The Office did not locate Rasin in the United States, although the Office confirmed Rasin had been issued a Florida driver’s license. The Office otherwise was unable to determine the content and origin of the information he purportedly offered to Stone. Finally, the investigation did not identify evidence of a connection between the outreach or the meeting and Russian interference efforts.

b. Campaign Efforts to Obtain Deleted Clinton Emails

After candidate Trump stated on July 27, 2016, that he hoped Russia would “find the 30,000 emails that are missing,” Trump asked individuals affiliated with his Campaign to find the deleted Clinton emails. Michael Flynn—who would later serve as National Security Advisor in the Trump Administration—recalled that Trump made this request repeatedly, and Flynn subsequently contacted multiple people in an effort to obtain the emails.

Barbara Ledeen and Peter Smith were among the people contacted by Flynn. Ledeen, a long-time Senate staffer who had previously sought the Clinton emails, provided updates to Flynn about her efforts throughout the summer of 2016. Smith, an investment advisor who was active in Republican politics, also attempted to locate and obtain the deleted Clinton emails.

Ledeen began her efforts to obtain the Clinton emails before Flynn’s request, as early as December 2015. On December 3, 2015, she emailed Smith a proposal to obtain the emails, stating, “Here is the proposal I briefly mentioned to you. The person I described to you would be happy to talk with you either in person or over the phone. The person can get the emails which 1. Were classified and 2. Were purloined by our enemies. That would demonstrate what needs to be demonstrated.”

Attached to the email was a 25-page proposal stating that the “Clinton email server was, in all likelihood, breached long ago,” and that the Chinese, Russian, and Iranian intelligence services could “re-assemble the server’s email content.” The proposal called for a three-phase approach. The first two phases consisted of open-source analysis. The third phase consisted of checking with certain intelligence sources “that have access through liaison work with various foreign services” to determine if any of those services had gotten to the server. The proposal noted, “Even if a single email was recovered and the providence [sic] of that email was a foreign service, it would be catastrophic to the Clinton campaign[.]” Smith forwarded the email to two colleagues and

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264 Flynn 4/25/18 302, at 5-6; Flynn 5/1/18 302, at 1-3.
265 Flynn 5/1/18 302, at 1-3.
266 Flynn 4/25/18 302, at 7; Flynn 5/4/18 302, at 1-2; Flynn 11/29/17 302, at 7-8.
269 12/3/15 Email, Ledeen to Smith.
270 12/3/15 Email, Ledeen to Smith (attachment).
wrote, “we can discuss to whom it should be referred.” On December 16, 2015, Smith informed Ledeen that he declined to participate in her “initiative.” According to one of Smith’s business associates, Smith believed Ledeen’s initiative was not viable at that time.

Just weeks after Trump’s July 2016 request to find the Clinton emails, however, Smith tried to locate and obtain the emails himself. He created a company, raised tens of thousands of dollars, and recruited security experts and business associates. Smith made claims to others involved in the effort (and those from whom he sought funding) that he was in contact with hackers with “ties and affiliations to Russia” who had access to the emails, and that his efforts were coordinated with the Trump Campaign.

On August 28, 2016, Smith sent an email from an encrypted account with the subject “Sec. Clinton’s unsecured private email server” to an undisclosed list of recipients, including Campaign co-chairman Sam Clovis. The email stated that Smith was “[j]ust finishing two days of sensitive meetings here in DC with involved groups to poke and probe on the above. It is clear that the Clinton’s home-based, unprotected server was hacked with ease by both State-related players, and private mercenaries. Parties with varying interests, are circling to release ahead of the election.”

On September 2, 2016, Smith directed a business associate to establish KLS Research LLC in furtherance of his search for the deleted Clinton emails. One of the purposes of KLS Research was to manage the funds Smith raised in support of his initiative. KLS Research received over $30,000 during the presidential campaign, although Smith represented that he raised even more money.

Smith recruited multiple people for his initiative, including security experts to search for and authenticate the emails. In early September 2016, as part of his recruitment and fundraising effort, Smith circulated a document stating that his initiative was “in coordination” with the Trump Campaign, “to the extent permitted as an independent expenditure organization.” The document listed multiple individuals affiliated with the Trump Campaign, including Flynn, Clovis, Bannon,

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271 12/3/15 Email, Smith to Szobocsan & Safron.
273 8/31/16 Email, Smith to Smith.
274 8/28/16 Email, Smith to Smith.
275 Incorporation papers of KLS Research LLC, 7/26/17
277 Financial Institution Record of Peter Smith and KLS Research LLC, 10/31/17
278 Tait 8/22/17 302, at 3; York 7/12/17 302, at 1-2; York 11/22/17 302, at 1.
and Kellyanne Conway.\textsuperscript{280} The investigation established that Smith communicated with at least Flynn and Clovis about his search for the deleted Clinton emails,\textsuperscript{281} but the Office did not identify evidence that any of the listed individuals initiated or directed Smith’s efforts.

In September 2016, Smith and Ledeen got back in touch with each other about their respective efforts. Ledeen wrote to Smith, “wondering if you had some more detailed reports or memos or other date you could share because we have come a long way in our efforts since we last visited. . . . We would need as much technical discussion as possible so we could marry it against the new data we have found and then could share it back to you ‘your eyes only.’”\textsuperscript{282}

Ledeen claimed to have obtained a trove of emails (from what she described as the “dark web”) that purported to be the deleted Clinton emails. Ledeen wanted to authenticate the emails and solicited contributions to fund that effort. Erik Prince provided funding to hire a tech advisor to ascertain the authenticity of the emails. According to Prince, the tech advisor determined that the emails were not authentic.\textsuperscript{283}

A backup of Smith’s computer contained two files that had been downloaded from WikiLeaks and that were originally attached to emails received by John Podesta. The files on Smith’s computer had creation dates of October 2, 2016, which was prior to the date of their release by WikiLeaks. Forensic examination, however, established that the creation date did not reflect when the files were downloaded to Smith’s computer. (It appears the creation date was when WikiLeaks staged the document for release, as discussed in Volume I, Section III.B.3.c, supra.\textsuperscript{284}) The investigation did not otherwise identify evidence that Smith obtained the files before their release by WikiLeaks.

Smith continued to send emails to an undisclosed recipient list about Clinton’s deleted emails until shortly before the election. For example, on October 28, 2016, Smith wrote that there was a “tug-of-war going on within WikiLeaks over its planned releases in the next few days,” and that WikiLeaks “has maintained that it will save its best revelations for last, under the theory this allows little time for response prior to the U.S. election November 8.”\textsuperscript{285} An attachment to the

\textsuperscript{280} The same recruitment document listed Jerome Corsi under “Independent Groups/Organizations/Individuals,” and described him as an “established author and writer from the right on President Obama and Sec. Clinton.”

\textsuperscript{281} Flynn 11/29/17 302, at 7-8; 10/15/16 Email, Smith to Flynn et al.; 8/28/16 Email, Smith to Smith (bcc: Clovis et al.).

\textsuperscript{282} 9/16/16 Email, Ledeen to Smith.

\textsuperscript{283} Prince 4/4/18 302, at 4-5.

\textsuperscript{284} The forensic analysis of Smith’s computer devices found that Smith used an older Apple operating system that would have preserved that October 2, 2016 creation date when it was downloaded (no matter what day it was in fact downloaded by Smith). See Volume I, Section III.B.3.c, supra. The Office tested this theory in March 2019 by downloading the two files found on Smith’s computer from WikiLeaks’s site using the same Apple operating system on Smith’s computer; both files were successfully downloaded and retained the October 2, 2016 creation date. See SM-2284941, serial 62.

\textsuperscript{285} 10/28/16 Email, Smith to Smith.
email claimed that WikiLeaks would release “All 33k deleted Emails” by “November 1st.” No emails obtained from Clinton’s server were subsequently released.

Smith drafted multiple emails stating or intimating that he was in contact with Russian hackers. For example, in one such email, Smith claimed that, in August 2016, KLS Research had organized meetings with parties who had access to the deleted Clinton emails, including parties with “ties and affiliations to Russia.” The investigation did not identify evidence that any such meetings occurred. Associates and security experts who worked with Smith on the initiative did not believe that Smith was in contact with Russian hackers and were aware of no such connection. The investigation did not establish that Smith was in contact with Russian hackers or that Smith, Ledee, or other individuals in touch with the Trump Campaign ultimately obtained the deleted Clinton emails.

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In sum, the investigation established that the GRU hacked into email accounts of persons affiliated with the Clinton Campaign, as well as the computers of the DNC and DCCC. The GRU then exfiltrated data related to the 2016 election from these accounts and computers, and disseminated that data through fictitious online personas (DCLeaks and Guccifer 2.0) and later through WikiLeaks. The investigation also established that the Trump Campaign displayed interest in the WikiLeaks releases, and that [Harm to Ongoing Matter]

As explained in Volume I, Section V.B, infra, the evidence was sufficient to support computer-intrusion (and other) charges against GRU officers for their role in election-related hacking. [Harm to Ongoing Matter]

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286 8/31/16 Email, Smith to Smith.
287 Safron 3/20/18 302, at 3; Szobocsan 3/29/18 302, at 6.