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## ‘RUSSIAN HACKERS’ IN THE US ELECTION: MYTHS AND REALITY

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## About the Author

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*The views and opinions expressed in this Paper are those of the author and do not represent the views of the Valdai Discussion Club, unless explicitly stated otherwise.*

On July 22, 2016, during a Democratic Party convention, which nominated Hillary Clinton for presidency of the United States, correspondence between Democratic National Committee (DNC) officials was leaked on the internet. Analysis of the documents that were published showed that DNC officials had developed a plan to discredit Bernie Sanders, the second most popular candidate in the Democratic primaries, if he won a preliminary vote. The publication of that archive seriously damaged Clinton’s reputation. Even though the leak had only an internal political impact, Democratic Party representatives said it had been organized by Russian intelligence services on orders from the top military-political leadership. Donald Trump did not refute the ‘Russian trail’ theory and from all indications, he had no idea that he would subsequently be accused of colluding with the Kremlin to discredit Hillary Clinton.

## Official Statements and Public Opinion

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Based on information available in the public domain, it is impossible to refute these allegations completely, and even the arguments listed below do not provide a watertight alibi. Nevertheless, they sound convincing enough. The leak of 19,952 emails<sup>1</sup> evidently benefited the Republican Party the most, especially Donald Trump’s supporters. Nor can it be ruled out that it was impossible to find one’s way around in the giant archive and know what to look for and where, without insider information. At the very least, analysis of that archive required a colossal amount of knowledge about the details of the election campaign and the specifics of US regional politics (at the level of counties and electoral districts). It is important to note that the leak occurred during an election convention, when public attention was focused on Hillary Clinton and therefore her reputation was particularly vulnerable.

There is no doubt that such activities run counter to Russia’s foreign policy principles and even its national interests. Moscow’s position has been repeatedly formulated at the highest political level. Press Secretary of the President of the Russian Federation Dmitry Peskov described the allegations of Russia’s involvement in hacking attacks as “absurd, verging on stupidity.”<sup>2</sup> Minister of Foreign Affairs of the Russian Federation Sergey Lavrov, in an interview with CNN, said the accusations against Russia “are definitely not corroborated by facts.”<sup>3</sup> President of the Russian Federation Vladimir Putin has repeatedly stated that hacking

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<sup>1</sup> *Later, another 20,000 emails were published. A total of 44,053 emails and 17,761 attachments were posted on Wikileaks. See Wikileaks: DNC email database. Available from: <https://wikileaks.org/dnc-emails/>*

<sup>2</sup> *‘Dmitrii Peskov Nazval Absurdnom Obvinenie v Prichastnosti RF k Vzromu Pochty Khillari Klinton’ [Dmitry Peskov Described the Allegations of Russia’s Involvement in Hacking Hillary Clinton’s Emails as Absurd], 2016, Russia Today, July 28. Available from: <https://russian.rt.com/article/314366-dmitrii-peskov-nazval-absurdnom-obvinenie-v-prichastnosti>*

<sup>3</sup> *‘Foreign Minister Sergey Lavrov’s Interview with Amanpour Program on CNN International’, 2016, Moscow, October 12. Available from: [http://www.mid.ru/web/guest/meropriyatiya\\_s\\_uchastiem\\_ministra/-/asset\\_publisher/xK1BhB2bUjd3/content/id/2497676](http://www.mid.ru/web/guest/meropriyatiya_s_uchastiem_ministra/-/asset_publisher/xK1BhB2bUjd3/content/id/2497676)*

DNC servers and leaking emails “is not in Russia’s interests”<sup>4</sup> and that the Russian authorities have nothing to do with that.<sup>5</sup>

Objectively, the uncertainty of the source is one of the most challenging problems with cyberattacks. Therefore, it cannot be ruled out, of course, that the cyberattacks against DNC servers were organized by Russian or non-Russian citizens based in Russia. Likewise, the attack could also have been launched from the territory of any other country. However, even if the theory that the attack came from the Russian territory is confirmed, it is impossible to prove that Russia’s military-political leadership had a hand in it.

The allegations against Russia came on the heels of the leak. At first, even official representatives of US intelligence services doubted that the attack had come from Russia. What’s more, they suggested that the ‘Russian trail’ could have been left deliberately.<sup>6</sup> It is important to note precisely what pointed to Russian involvement: One of the documents published by the online Guccifer 2.0 persona, who launched the attack, had previously been discovered by user Felix Edmundovich, written in Cyrillic.<sup>7</sup> That served as a basis for the ‘Russian trail’ theory.

The subject of the ‘Russian trail’ and the Kremlin’s interference in the US election went viral in the US and other Western media. Practically all political forces in Washington publicly condemned Moscow’s attempts to influence the course of the US election. The general backdrop of relations with Russia at that time was negative due to the events in Ukraine and Syria. The negative rhetoric over the attempts to influence the election provoked a massive wave of the ‘demonization of Putin’ (the term was used by Henry Kissinger back in the spring of 2014<sup>8</sup>). A case in point is the book ‘The Plot to Hack America: How Putin’s Cyberspies and WikiLeaks Tried to Steal the 2016 Elections.’<sup>9</sup> Its author describes Russian political figures in detail, but provides no evidence of the involvement of Russian authorities in the leak. Given the doubts among US officials about the Kremlin’s involvement, this book can hardly be described as anything other than propaganda.

Despite the massive propaganda campaign, the first official reaction to the July events did not come until October. The Department of Homeland Security (DHS) and the Office of the Director of National Intelligence issued a joint statement, saying they

<sup>4</sup> ‘Investitsionnyi Forum VTB Kapital «Rossiia Zovet!»’ [Russia Calling! Investment Forum], Moscow, 2016, October 12. Available from: <http://en.kremlin.ru/events/president/news/53077>

<sup>5</sup> ‘Mezhdunarodnyi Forum «Arktika – Territorii Dialoga»’ [The Arctic – the Territory for Dialogue], Arkhangelsk, 2017, March 30. Available from: <http://kremlin.ru/events/president/news/54149>

<sup>6</sup> ‘U.S. Theory on Democratic Party Breach: Hackers Meant to Leave Russia’s Mark’, 2016, Reuters, July 28. Available from: <http://www.reuters.com/article/us-usa-election-russia-theory-idUSKCN10801S>

<sup>7</sup> Scherbakov, E, 2016, ‘The Weird Logic Behind Russia’s Alleged Hacking’, National Interest, October 6. Available from: <http://nationalinterest.org/feature/the-weird-logic-behind-russias-alleged-hacking-17963>

<sup>8</sup> Kissinger, H, 2014, ‘To Settle the Ukraine Crisis, Start at the End’, Washington Post, March 5. Available from: [https://www.washingtonpost.com/opinions/henry-kissinger-to-settle-the-ukraine-crisis-start-at-the-end/2014/03/05/46dad868-a496-11e3-8466-d34c451760b9\\_story.html?utm\\_term=.89e9337bbdde](https://www.washingtonpost.com/opinions/henry-kissinger-to-settle-the-ukraine-crisis-start-at-the-end/2014/03/05/46dad868-a496-11e3-8466-d34c451760b9_story.html?utm_term=.89e9337bbdde)

<sup>9</sup> Nance, M, 2016, ‘The Plot to Hack America. How Putin’s Cyberspies and Wikileaks Tried to Steal the 2016 Elections’. Skyhorse Publishing, New York.

were “confident that the Russian Government directed the recent compromises of e-mails from US persons and institutions, including from US political organizations” and that “only Russia’s senior-most officials could have authorized these activities.”<sup>10</sup> No evidence of Russia’s involvement in hacking attacks was provided since that information constitutes a state secret.

It is worth noting that there was no signature of the Director of the Federal Bureau of Investigation on that statement. In late October 2016, then-FBI director James Comey advised against the Obama administration publicly accusing Russia of hacking political organizations on the grounds that it would make the administration appear unduly partisan too close to the November 8 elections.<sup>11</sup> In addition, he said the FBI was planning to review newly discovered emails in the investigation of Hillary Clinton’s email server. That statement affected Hillary Clinton’s ratings and may have been a crucial factor in her electoral defeat.

None of the arguments refuting the Kremlin’s involvement in hacking emails were heeded and the US media almost unanimously ramped up their anti-Russia campaign.

With normal political relations, it would have been logical for Moscow to offer Washington its assistance in investigating the crime, which was comparable in its scope to the 1972 Watergate scandal. Furthermore, in keeping with the joint statement signed by Russian President Vladimir Putin and US President Barack Obama in 2013, a direct ‘hot line’ between the Kremlin and the White House could be used to share information on such threats and incidents.<sup>12</sup> Unfortunately, these days, Russian-US relations are at their lowest point since the Cold War era, and amid the other numerous political disagreements, there can be no collaboration in cyber security.

On October 11, 2016, the White House press secretary said a US response to Russia would be “proportional.”<sup>13</sup> As it turned out later, a new package of sanctions was being prepared – this time in response to the hacking attacks. Later, in an interview with the *Wired* magazine, then – US Secretary of State John Kerry said, “the last thing we need is a cyberwarfare race” with Russia. He made no reference to economic sanctions and disclosed no details or dates

<sup>10</sup> ‘Joint Statement from the Department of Homeland Security and Office of the Director of National Intelligence on Election Security’, 2016, October 7. Available from: <https://www.dhs.gov/news/2016/10/07/joint-statement-department-homeland-security-and-office-director-national>

<sup>11</sup> ‘Comey Was Concerned Publicly Blaming Russia for Hacks of Democrats Could Appear Too Political in Run-up to Elections’, 2016, *The Washington Post*, November 1. Available from: [https://www.washingtonpost.com/world/national-security/fbi-director-james-b-comey-was-concerned-that-publicly-blaming-russia-for-hacks-of-democrats-could-appear-too-political-in-runup-to-nov-8/2016/10/31/b01a8be4-9fab-11e6-8832-23a007c77bb4\\_story.html](https://www.washingtonpost.com/world/national-security/fbi-director-james-b-comey-was-concerned-that-publicly-blaming-russia-for-hacks-of-democrats-could-appear-too-political-in-runup-to-nov-8/2016/10/31/b01a8be4-9fab-11e6-8832-23a007c77bb4_story.html)

<sup>12</sup> ‘Joint Statement by the Presidents of the United States of America and the Russian Federation on a New Field of Cooperation in Confidence Building’, 2013, June 17. Available from: <http://kremlin.ru/supplement/1479>; <https://www.whitehouse.gov/the-press-office/2013/06/17/joint-statement-presidents-united-states-america-and-russian-federatio-0>

<sup>13</sup> ‘Press Gaggle by Press Secretary Josh Earnest en route Greensboro, NC, 10/11/2016’, 2016, *The White House*, October 11. Available from: <https://www.whitehouse.gov/the-press-office/2016/10/11/press-gaggle-press-secretary-josh-earnest-en-route-greensboro-nc>

regarding a possible response in cyberspace.<sup>14</sup> Clearly, the stage was set for further escalation of the conflict, destabilizing an already extremely tense situation.

Analysis of the subsequent course of events gives reason to believe that the allegations of Russia’s meddling in the US election campaign could have been artificially blown up by Hillary Clinton’s supporters. There are several reasons for this.

First, the wildest allegations against the Russian leadership came from Democratic Party representatives. Reports that the Republican National Committee’s servers had also been attacked by Russian hackers<sup>15</sup> were ignored by the Democrats even though common sense suggests that this fact should have refuted the allegations of collusion between the Russian leadership and Donald Trump.

Second, several members of Congress said the CIA had refused to hold briefings and provide secret information to the legislative branch. Many saw the refusal as an attempt to cover the lack of evidence showing the hackers’ connection to Russian authorities.<sup>16</sup>

Third, WikiLeaks founder Julian Assange said that hackers did not provide the Clinton emails – they were leaked by a Democratic whistleblower.<sup>17</sup> Later, a similar view was expressed by Donald Trump, as well as by a former British ambassador.<sup>18</sup>

Finally, whereas before Election Day the Republicans sought to draw public attention not to the leak as such, but to the content of the emails, after November 8, their argumentation lost its relevance. It was quite likely that after that date, the intention was to influence the Electoral College vote. Commenting on the leaks, Donald Trump asked a fair question: “If Russia, or some other entity, was hacking, why did the White House wait so long to act? Why did they only complain after Hillary lost?”<sup>19</sup> After Donald Trump’s victory was confirmed, the rhetoric regarding Russian hacking became more moderate. There were reports saying Russian hackers’ activity had declined before Election Day. It was completely ruled out that the Russians hacked voting machines.<sup>20</sup>

<sup>14</sup> ‘Hey Silicon Valley, John Kerry Wants You to Help Save the World’, 2016, *Wired*, November 1. Available from: <https://www.wired.com/2016/11/hey-silicon-valley-john-kerry-wants-help-save-world/>

<sup>15</sup> ‘Republican National Committee Security Foiled Russian Hackers’, 2016, *Wall Street Journal*, December 16. Available from: <http://www.wsj.com/articles/republican-national-committee-security-foiled-russian-hackers-1481850043>

<sup>16</sup> ‘Sen. Ron Johnson: CIA Refused Briefing in Wake of Russia Hacking Reports’, 2016, *The Washington Post*, December 16. Available from: <http://www.washingtonpost.com/news/2016/dec/16/ron-johnson-cia-refused-briefing-wake-russia-hack/>

<sup>17</sup> ‘Ex-British Ambassador Who Is Now a Wikileaks Operative Claims Russia Did NOT Provide Clinton Emails – They Were Handed Over to Him at A D.C. Park by an Intermediary for ‘Disgusted’ Democratic Whistleblowers’, 2016, *Daily Mail*, December 14. Available from: <http://www.dailymail.co.uk/news/article-4034038/Ex-British-ambassador-WikiLeaks-operative-claims-Russia-did-NOT-provide-Clinton-emails-handed-D-C-park-intermediary-disgusted-Democratic-insiders.html>

<sup>18</sup> *Ibid*

<sup>19</sup> Donald Trump’s Twitter page, December 15, 2016. Available from: <https://twitter.com/realDonaldTrump/status/809403760099422208>

<sup>20</sup> ‘Russia’s Role Is Shocking but There’s No Evidence the Vote Was Hacked’, 2016, *CNN*, December 12. Available from: <http://edition.cnn.com/2016/12/12/opinions/russia-role-shocking-but-not-hacked-douglas/>



Having lost the Electoral College vote, the Democrats did not abandon their attempts to have the world public believe that Russia had a hand in hacking DNC servers. After Hillary Clinton's defeat, Democratic Party members continued to blame Moscow for hacking American democracy and also intensified their criticism of Donald Trump and his inner circle over their purported connections to the Kremlin.

They initiated the creation of a special bipartisan commission in the Congress, inviting many Republicans,<sup>21</sup> primarily those who were the most aggressive toward Russia. On the whole, the creation of a congressional commission to investigate Russian cyber attacks is in line with the bipartisan anti-Russia consensus that has emerged in the US in recent years. The fact that there are practically no advocates of improving relations with Russia among the lawmakers is the reason for skepticism about Donald Trump's election rhetoric and the prospects that in practice it will add up to much.

## Official Information About the 'Russian Trail'

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In December 2016, President Barack Obama directed the Intelligence Community to conduct a full review of what happened during the 2016 election process.<sup>22</sup> Preliminary findings were published in late December by US-CERT (DHS) and the FBI.<sup>23</sup> Then – FBI Director James Comey subsequently explained why the FBI chose not to back that statement. He claimed he was against mentioning Russia, acknowledging that other forces could have been behind the hacking attack. Later, he changed his position, saying the Russian authorities' involvement could not be ruled out, drawing criticism as a result.

It needs to be reiterated that although it is possible to prove that the attack originated from a source based on the Russian territory, it is next to impossible to prove that the hacker acted on orders from or was an officer of Russian intelligence services. Covert agent intelligence, i.e., the CIA, should have provided such evidence and not technical services. At the same time, it is important to note that the DHS disclaimed any responsibility for the materials that were presented. The FBI director's position seems inconsistent. After the first statement (cited

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<sup>21</sup> 'Bipartisan commission needed to get answers on Russian hacking', 2016, *The Hill*, December 13. Available from: <http://thehill.com/blogs/congress-blog/homeland-security/310213-bipartisan-commission-needed-to-get-answers-on-russian>

<sup>22</sup> Kopan, T, Liptak, K & Sciutto, J, 2016, 'Obama Orders Review of Russian Election-related Hacking', *CNN*, December 9. Available from: <http://edition.cnn.com/2016/12/09/politics/obama-orders-review-into-russian-hacking-of-2016-election/>

<sup>23</sup> US-CERT is an organization responsible for the technical security of information infrastructure and part of the Department of Homeland Security (DHS). It is noteworthy that the document was released by the FBI. See Steppe, G, 2016, 'Russian Malicious Cyber Activity', NCCIC, Federal Bureau of Investigation, December 29. Available from: [https://www.us-cert.gov/sites/default/files/publications/JAR\\_16-20296A\\_GRIZZLY%20STEPPE-2016-1229.pdf](https://www.us-cert.gov/sites/default/files/publications/JAR_16-20296A_GRIZZLY%20STEPPE-2016-1229.pdf)

by the report’s authors) that was published on October 7, in which the Office of the Director of National Intelligence (DNI) and the DHS accused Russia of involvement in the hacking attack, the phrase “with high confidence” was used, suggesting that the Russian authorities might not have been involved in the cyber attacks.

The report contains a similar phrase, suggesting that the Russian authorities may not have been involved. After describing the technology of password hacking by hypothetical actors codenamed APT29 and APT28 (APT – Advanced Persistent Threat), the report claimed that actors likely associated with RIS are continuing to engage in spear phishing campaigns. Nor was evidence of any connection between those actors and Russian intelligence services provided.

More than a half of the report is devoted to recommended mitigations. As a matter of fact, a total of one page of 13 is devoted to evidence. The report’s authors concentrated on describing the technologies used, not on proving Russian intelligence services’ involvement. The most detailed part of the report described the methods used in the attacks, including software available in the public domain to any user. The report contains some technical details that are beyond an average user’s understanding; in particular, an appendix to the report contains a list of IP addresses from which attacks were launched, including some addresses in Russia.

Although the possibility that Russian citizens may have been involved in hacks cannot be categorically denied, retaliatory measures in the form of sanctions<sup>24</sup> targeted the Russian leadership. The day the report was released, December 29, the US administration announced a new list of sanctions that included high-ranking representatives of Russian intelligence services, as well as two hackers.

It is hard to imagine that the chiefs of Russian intelligence services actually participated in the hacks, and it is unlikely that the hackers wanted by the FBI for crimes committed in the past decade are Russian intelligence officers. Having accused Moscow of the hacking servers of the DNC, Washington imposed sanctions on Russia, which, however, cause more reputational than economic damage. It is disturbing that the decision to slap on more sanctions was made on the basis of some highly dubious evidence, which was never presented to the public.

The preliminary findings of the report that were made public only show the inconsistency of the theory about the Trump-Putin collusion against the Democrats. What seems to be more important is that the Democrats managed to divert attention from the substance of the leaked emails to allegations against Russia. Later the State Department, as well as the report’s authors, acknowledged that the evidence constitutes a state secret and is classified top secret.<sup>25</sup>

<sup>24</sup> Ryan, M, Nakashima, E & DeYoung, K, 2016, ‘Obama Administration Announces Measures to Punish Russia for 2016 Election Interference’, *The Washington Post*, December 29. Available from: [https://www.washingtonpost.com/world/national-security/obama-administration-announces-measures-to-punish-russia-for-2016-election-interference/2016/12/29/311db9d6-cdde-11e6-a87f-b917067331bb\\_story.html?utm\\_term=.2a90fd44398c](https://www.washingtonpost.com/world/national-security/obama-administration-announces-measures-to-punish-russia-for-2016-election-interference/2016/12/29/311db9d6-cdde-11e6-a87f-b917067331bb_story.html?utm_term=.2a90fd44398c)

<sup>25</sup> ‘Daily Press Briefing. Spokesperson – John Kirby’, 2017, Washington DC, Official site of the U.S. Department of State Archive, January 9. Available from: <https://2009-2017.state.gov/r/pa/prs/dpb/2017/01/266727.htm#RUSSIA>



A month before President Obama’s term expired, many representatives of the US establishment intensified pressure on the incumbent president, urging him to present evidence of the Kremlin’s involvement in the cyber attacks.

Some lawmakers urged the intelligence community to release classified information proving the Kremlin’s involvement in the election campaign. In particular, House Intelligence Committee members Devin Nunes and Peter King said they were dismayed by the [intelligence community’s] refusal to hold a briefing.<sup>26</sup>

In late December 2016, two US citizens – Jason Leopold and Ryan Shapiro – sued the CIA, the FBI, the DHS and the DNI, asserting that the agencies have failed to comply with their request for documents on Russia’s involvement in hacking attacks under the Freedom of Information Act.<sup>27</sup>

Demands to provide information also came from President-elect Donald Trump. His briefing was also not devoid of controversy. Initially, during his election campaign, Trump doubted the reliability and authenticity of the information provided by the US intelligence community. A discussion resumed in the US media over allegations that the decision to start the war in Iraq and overthrow Saddam Hussein was based on unconfirmed intelligence reports about weapons of mass destruction. Donald Trump’s briefing was rescheduled from January 4 to January 6. He suggested that intelligence agencies, perhaps, needed “more time... to build a case.” The date of the briefing coincided with the publication of the declassified part of the report. In addition, shortly before the briefing, NBC published a story suggesting that Donald Trump would be given the names of high-ranking Russian officials responsible for the hacks.<sup>28</sup> Trump said he was sure the NBC story had resulted from a leak and ordered an investigation into how NBC got “an exclusive look into the top secret report before it was presented to the president.”<sup>29</sup> After the briefing, Trump moderated his rhetoric with regard to intelligence services and said that Russia’s actions had “absolutely no effect on the outcome of the elections.”

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<sup>26</sup> ‘Lawmakers Fume over Agency Refusal to Brief House Panel on Russia Hacking Claims’, 2016, Fox News, December 15. Available from: <http://www.foxnews.com/politics/2016/12/15/lawmakers-fume-over-agency-refusal-to-brief-house-panel-on-russia-hacking-claims.html>

<sup>27</sup> Wheeler, L, 2016, ‘Intelligence Agencies Sued for Records on Russian Election Interference’, The Hill, December 27. Available from: <http://thehill.com/regulation/administration/311928-intelligence-agencies-sued-for-records-on-russian-election>

<sup>28</sup> Arkin, W, Dilanian, K & Jackson, H, 2017, ‘U.S. Has ID’d Russians Who Gave Hacked Emails to WikiLeaks’, NBC News, January 6. Available from: <http://www.nbcnews.com/news/us-news/top-russians-celebrated-when-trump-won-intel-report-says-source-n703741>

<sup>29</sup> Donald Trump’s Twitter page, January 5, 2017. Available from: [https://twitter.com/realDonaldTrump/status/817164923843280896?ref\\_src=twsrc%5Etfw](https://twitter.com/realDonaldTrump/status/817164923843280896?ref_src=twsrc%5Etfw)

## A Report on Russian Meddling in the Election and the Response from Congress

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On the same day, January 6, 2017, the unclassified summary of the report on Russia’s involvement in hacking attacks was published.<sup>30</sup> The report’s authors said Russia’s meddling in the 2016 presidential campaign included two episodes: first, hacking DNC servers and second, posting emails of DNC members on WikiLeaks and [launching] an influence campaign aimed to denigrate Hillary Clinton. The report opened with the phrase that the full evidence of hacking attacks could not be released as that would reveal specific intelligence and sources methods. The 25-page document centered on the activity of Russian media outlets. In particular, it noted that the Russia Today TV network conducted an influence campaign on TV, the internet and in social media to denigrate Hillary Clinton and advocate for Donald Trump.

It is important to note that with the beginning of a new session of the US Congress in January 2017, lawmakers took a proactive position. Practically all political forces in the US repeatedly stated that Russia’s actions had made no impact on the outcome of the election. At the same time, a number of both Democratic and Republican members of Congress called for an in-depth investigation into Russia’s interference in the election campaign.

The general mood of US lawmakers is evidenced, among other things, by the fact that over the first six months of the new Congress, at least 40 legislative initiatives proposed by both Republic and Democratic congressmen contained criticism of Russia.

In early January 2017, hearings on outside cyber threats and especially Russian activities were held in two Senate committees: the Senate Armed Services Committee<sup>31</sup> and the Senate Select Committee on Intelligence.<sup>32</sup> The following individuals testified before the Senate: James Clapper, then – Director of National Intelligence; Marcel Lettre, then – Under Secretary of Defense for Intelligence; Michael Rogers, Director of the National Security Agency, Commander of the US Cyber Command; James Comey, then – Director of the Federal Bureau of Investigation; and John Brennan, then Director of the Central Intelligence Agency. Given that the hearings were open, the crucial issue regarding the evidence of the Russian military-political leadership’s involvement was not addressed.

The Democratic coalition in the Senate, led by Sen. Ben Cardin of Maryland, initiated the discussion of a bill to establish an independent commission to examine and report on the facts regarding the extent of Russian official and unofficial cyber operations and

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<sup>30</sup> ‘Background to “Assessing Russian Activities and Intentions in Recent US Elections”: The Analytic Process and Cyber Incident Attribution’, 2017, Office of the Director of National Intelligence, January 6. Available from: <https://www.scribd.com/document/335885536/ICA-2017-01>

<sup>31</sup> ‘Foreign Cyber Threats to the United States’, 2017, Official site of the United States Senate Committee on Armed services, January 5. Available from: <http://www.armed-services.senate.gov/hearings/17-01-05-foreign-cyber-threats-to-the-united-states>

<sup>32</sup> ‘ODNI Statement on Declassified Intelligence Community Assessment of Russian Activities and Intentions in Recent U.S. Elections’, 2017, Official site of the U.S. Senate Select Committee on Intelligence, January 6. Available from: <http://www.intelligence.senate.gov/hearings/open-hearing-russian-intelligence-activities>

other attempts to interfere in the 2016 US national elections, and for other purposes.<sup>33</sup> On January 4, the bill was referred to the Committee on Rules and Administration.

As a result of discussions, 10 senators, both Democratic and Republican, led by Ben Cardin, introduced another bill, Counteracting Russian Hostilities Act of 2017.<sup>34</sup> The main rationale behind the bill is to respond to cyber attacks. On January 11, 2017, the 55-page document was referred to the Committee on Foreign Relations. The bill seeks to strengthen cyber defenses and take decisive offensive action in cyberspace against Russia.

It is noteworthy that the Obama administration took a number of legal measures to make accusations of cyber attacks on election infrastructure not just a crime, but also a national security threat. Oleg Demidov,<sup>35</sup> an expert with the PIR Center, draws attention to the amendments introduced in December 2016 to the Presidential Executive Order of 2015 Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities.<sup>36</sup> ‘Significant malicious cyber-enabled activities,’ in response to which the US administration reserves the right to seize property, includes activities related to interference in the election campaign or electoral institutions.

On January 6, 2017, the DHS Secretary issued a statement on the Designation of Election Infrastructure as a Critical Infrastructure Subsector.<sup>37</sup> This means that election infrastructure, including voter registration databases, voting machines, and other systems to manage the election process, will be eligible to receive prioritized cybersecurity assistance from the Department of Homeland Security on a par with critical infrastructure sectors, including energy, financial services, nuclear and other sectors.

A recent report by the Center for Strategic and International Studies, ‘A Cybersecurity Agenda for the 45th President,’<sup>38</sup> highlights the need for closer international cybercrime

<sup>33</sup> ‘S.27 – A Bill to Establish an Independent Commission to Examine and Report on the Facts Regarding the Extent of Russian Official and Unofficial Cyber Operations and Other Attempts to Interfere in the 2016 United States National Election, and for Other Purposes’, 2017, Official site of the U.S. Congress, April 1. Available from: <https://www.congress.gov/bill/115th-congress/senate-bill/27/>

<sup>34</sup> ‘S.94 – Counteracting Russian Hostilities Act of 2017’, 2017, Official site of the U.S. Congress, April 27. Available from: <https://www.congress.gov/bill/115th-congress/senate-bill/94>

<sup>35</sup> Demidov, O, 2016, ‘Sanktsii Novogo Tipa: k Chemu Privedet Reshenie Ukhodiashchego Prezidenta Ssha’ [Sanctions of a New Type: What Will the Decision of the Outgoing President Lead to], 2016, RBC, December 30. Available from: <http://www.rbc.ru/opinions/politics/30/12/2016/58663dad9a79472331cd1173>

<sup>36</sup> ‘Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities. Executive Order 13694 of April 1, 2015’, 2015, Presidential Documents. Federal Register, vol. 80, no. 63, April 2. Available from: [https://www.treasury.gov/resource-center/sanctions/Programs/Documents/cyber\\_eo.pdf](https://www.treasury.gov/resource-center/sanctions/Programs/Documents/cyber_eo.pdf)

<sup>37</sup> ‘Statement by Secretary Jeh Johnson on the Designation of Election Infrastructure as a Critical Infrastructure Subsector’, 2017, Official site of the Department of Homeland Security, January 6. Available from: <https://www.dhs.gov/news/2017/01/06/statement-secretary-johnson-designation-election-infrastructure-critical>

<sup>38</sup> ‘From Awareness to Action: A Cybersecurity Agenda for the 45th President. A Report of the CSIS Cyber Policy Task Force’, 2017, Center for Strategic and International studies, January. Available from: [https://csis-prod.s3.amazonaws.com/s3fs-public/publication/170110\\_Lewis\\_CyberRecommendationsNextAdministration\\_Web.pdf](https://csis-prod.s3.amazonaws.com/s3fs-public/publication/170110_Lewis_CyberRecommendationsNextAdministration_Web.pdf)

cooperation. It is noteworthy that the main recommendations in the previous report, ‘Securing Cyberspace for the 44th Presidency’, which was released ahead of Barack Obama’s inauguration, were to strengthen international cooperation to ensure the stable and peaceful management of global internet infrastructure.

To all appearances, the activity of US lawmakers points to the intention of many American politicians to intensify pressure on and opposition to President Donald Trump. There are two goals behind the allegations of his connections to Russia: to escalate confrontation with Russia, and to curb his political ambitions. It cannot be ruled out that these arguments might be used as a basis for impeachment proceedings in the future.

The allegations against Moscow related to operations by intelligence services are already losing momentum amid the new charges against ‘Kremlin trolls,’ alleged propaganda and attempts to shape US public opinion in favor of Donald Trump. These are not just allegations of hacking attacks against DNC servers, but, in a sense, also a replacement for an ideological conflict. This is not about hacking email passwords, but about Moscow’s attempt “to hack US democracy” in general and the US election system in particular. It seems that the initiators of this strategy are Democrats resentful of Hillary Clinton’s defeat who managed to enlist the support of the most radical part of the Republican Party (such as John McCain and Lindsey Graham) with regard to Russia. Donald Trump’s generally positive attitude toward the Russian leadership is gradually dissipating. There are serious concerns that the US president may not be able to reverse anti-Russia sentiments.

In March 2017, there was a follow-up to the ‘Russian trail’ story. House Permanent Select Committee on Intelligence Chairman Devin Nunes (Rep.) and Ranking Member Adam Schiff (Dem.) led the House investigation into Russia’s meddling in the 2016 presidential elections.

On March 20, the Open Hearing on Russian Active Measures Investigation<sup>39</sup> was held, in which then FBI Director James Comey and NSA Director Michael Rogers testified as witnesses. It is noteworthy that open hearings are extremely uncharacteristic of the House Permanent Select Committee on Intelligence, since information constituting a state secret is often disclosed during such hearings.

During the hearing, Russia’s involvement in cyber attacks was not even called into question. As Adam Schiff said at the beginning, the hearing looked to establish the nature of connections between Donald Trump’s entourage and the Kremlin. Due to the sensitivity of the issue at hand, neither Comey, nor Rogers disclosed any details related to the investigation of the ‘Russian trail’, acknowledging, however, that an investigation was actually in progress. Practically all allegations made by Schiff were based on information about meetings and talks between people from Trump’s entourage and Russian high-ranking officials during the election campaign.

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<sup>39</sup> ‘Open Hearing on Russian Active Measures Investigation’, 2017, Official site of the U.S. House of Representatives. Permanent Select Committee on Intelligence, March 20. Available from: <http://intelligence.house.gov/calendar/eventsingle.aspx?EventID=769>

The hearing also focused on the accusations against Barack Obama that Donald Trump posted on his Twitter page.<sup>40</sup> In early March, 2017, President Trump said he had information suggesting that President Obama had his wires tapped in Trump Tower in New York, where his campaign headquarters were based. Even though the attention of mainly Republican lawmakers was riveted on the issue the representatives of intelligence services said they had no information to substantiate those assertions.

Later it was learned that Devin Nunes had visited the White House just before the hearing. Adam Schiff hastened to accuse Nunes of bias and said the Committee chairman should recuse himself from involvement in the House investigation. On top of that, a number of Democrats put forward an unprecedented proposal to treat Russian meddling in the election as an act of war.<sup>41</sup> Meanwhile, Donald Trump, on his Twitter page, demanded an investigation of the 'Russian trail' in funding Hillary Clinton's election campaign.<sup>42</sup>

It has to be acknowledged that the Democrats have achieved some success in their attempts to accuse Donald Trump and his administration officials of having connections to Russia. A case in point is Michael Flynn, who was appointed National Security adviser, but had to resign just 24 days into the Trump administration. The situation is taking a bad turn, considering that Flynn formally rejected a subpoena from senators investigating Russian interference in the 2016 election and instead chose to invoke his right against self-incrimination.<sup>43</sup>

A new round of accusations tying Trump to Russia unfolded in the wake of James Comey's dismissal as FBI Director. After Comey told lawmakers at a House Permanent Select Committee on Intelligence hearing that the FBI was investigating the 'Russian trail', he became a focus of special attention. In the US political system, the FBI answers to the Attorney General. President Trump's choice for Attorney General, Jeff Sessions, is also under fire over Russia because of his contacts with Russian Ambassador Sergey Kislyak. Unlike Flynn, Sessions has not been sacked yet. Nevertheless, the US public sees Comey's resignation as the White House's attempt to block the investigation into Russian meddling in the 2016 elections. Robert Mueller was appointed to head the Russia investigation. He was Director of the FBI between 2001 and 2013 under the Republican administration of George W. Bush and the Democratic administration of Barack Obama. This gives reason to believe that under his direction, the investigation will be as impartial as possible as both

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<sup>40</sup> Donald Trump's Twitter page, March 4, 2017. Available from: [https://twitter.com/realDonaldTrump/status/837989835818287106?ref\\_src=twsrc%5Etfw&ref\\_url=http%3A%2F%2Fwww.huffingtonpost.com%2Fentry%2Fdonald-trump-twitter-barack-obama-tapped\\_us\\_58baadf7e4b0b9989417e736](https://twitter.com/realDonaldTrump/status/837989835818287106?ref_src=twsrc%5Etfw&ref_url=http%3A%2F%2Fwww.huffingtonpost.com%2Fentry%2Fdonald-trump-twitter-barack-obama-tapped_us_58baadf7e4b0b9989417e736)

<sup>41</sup> Chalfant, M, 2017, 'Democrats Step Up Calls That Russian Hack Was Act of War', 2017, *The Hill*, March 26. Available from: <http://thehill.com/policy/cybersecurity/325606-democrats-step-up-calls-that-russian-hack-was-act-of-war>

<sup>42</sup> Donald Trump's Twitter page, March 28, 2017. Available from: <https://twitter.com/realDonaldTrump/status/846854703183020032>

<sup>43</sup> Mazzetti, M & Rosenberg, M, 2017, 'Michael Flynn Misled Pentagon About Russia Ties, Letter Says', 2017, *The New York Times*, May 22. Available from: [https://www.nytimes.com/2017/05/22/us/politics/michael-flynn-fifth-amendment-russia-senate.html?\\_r=0](https://www.nytimes.com/2017/05/22/us/politics/michael-flynn-fifth-amendment-russia-senate.html?_r=0)



Democrats and Republicans approved his appointment.<sup>44</sup> Moreover, he told the Congress he would immediately report any attempt by the White House to influence the course of the investigation.

\* \* \*

Russian hackers are still a hot topic in other Western media as well. British sources see a ‘Russian trail’ in the Brexit vote<sup>45</sup>, and there are similar reports regarding the past elections in France and the upcoming elections in Germany.<sup>46</sup> No doubt, such information needs to be thoroughly checked and carefully analyzed, but it raises many questions, considering that such allegations are often not reflected in official policies. The unfolding propaganda campaign is reminiscent of the McCarthyism era, one of the tensest Cold War periods.

Russian-US relations are going through their most serious crisis since the Cold War. One big problem is the low level of trust between the sides.<sup>47</sup> Cyber security has become hostage to the generally negative environment in bilateral relations. Interference in the US election is just one of many episodes involving allegations against Russia, such as the violation of the INF Treaty, combat operations in Ukraine, illegitimate activities in Syria and so on. Excluding any conspiracy theory, it is obvious that each of these episodes is based on speculation, misrepresentation and distortion of reality. Not in a single case does Washington provide official evidence, the absence of which significantly complicates the problem of restoring trust.

As for actual interference in the election campaign, these allegations are based on two elements: the hacking of the DNC servers and the media campaign against Hillary Clinton. Indeed, it cannot be denied that Russian media outlets, including those that were available to the US public, portrayed Hillary Clinton in a bad light. At the same time, it is hard to imagine that the Russian media made any appreciable impact on the opinion of US voters. Furthermore, an in-depth analysis of the use of the internet and other media outlets in Trump’s election campaign shows that the internet and social media in fact played a decisive role in his victory without Russia’s involvement.<sup>48</sup>

<sup>44</sup> Mindock, C, 2017, ‘Former FBI Director Robert Mueller Appointed Special Prosecutor to Oversee Investigation into Russia-Trump Ties’, *Independent*, May 17. Available from: <http://www.independent.co.uk/news/world/americas/us-politics/donald-trump-russia-investigation-robort-mueller-former-fbi-director-mueller-a7741881.html>

<sup>45</sup> Syal, R, 2017, ‘Brexit: Foreign States May Have Interfered in Vote, Report Says’, *The Guardian*, April 12. Available from: <https://www.theguardian.com/politics/2017/apr/12/foreign-states-may-have-interfered-in-brexit-vote-report-says>

<sup>46</sup> Greenberg, A, 2017, ‘The NSA Confirms It: Russia Hacked French Election ‘Infrastructure’’, 2017, *Wired*, May 9. Available from: <https://www.wired.com/2017/05/nsa-director-confirms-russia-hacked-french-election-infrastructure/>

<sup>47</sup> ‘Remarks with Russian Foreign Minister Sergey Lavrov at a Press Availability’, Rex W. Tillerson, Secretary of State, Moscow, Russia, April 12, 2017, Official site of the U.S. Department of State. Available from: <https://www.state.gov/secretary/remarks/2017/04/270136.htm>

<sup>48</sup> Sharikov, PA & Stepanova, NV, 2017, ‘Vliyaniye Internet Tekhnologii na Predvybornuyu Prezidentskuyu Kampaniyu v Ssha v 2015-2016 gg.’ [The Impact of Internet Technology on the 2016 US Presidential Campaign], *SShA i Kanada: Ekonomika, Politika, Kultura* [US and Canada: Economics, Politics and Culture], no. 2 (566), p. 52–67.



In May, 2017, Donald Trump once again [reportedly] urged the heads of US intelligence services to publicly deny the existence of any evidence of Russian meddling in the 2016 elections,<sup>49</sup> triggering a new wave of criticism. Considering numerous other bilateral problems, it is unlikely that the issue will be closed any time soon.

To all appearances, the Democrats have not forgiven Donald Trump and the Republicans who supported him for their electoral defeat. The outcome of the 2016 election campaign shows that the US society is deeply divided. While the Democrats strongly disagree with his domestic and foreign policies, the 'Russian trail' in the election victory is the only potential ground for impeachment.

Much in the development of events in Washington suggests that this issue has lost its foreign policy dimension and has turned into an exclusively domestic political struggle.

It is impossible to refute the allegations because no evidence is provided. The probability that Russian citizens were behind the hacks is about the same as the possibility that [non-Russian] citizens from other countries launched the attack. The allegations that Russia's military-political leadership directed the campaign to denigrate Hillary Clinton are even more dubious. Using such allegations as grounds for declaring war on Russia is as irresponsible as the introduction of new sanctions.

What's more, it seems there are no reasons for a new Cold War between Russia and the US. The ongoing escalation of tension cannot be a repetition of the Cold War for many reasons – if only because today there is no ideological conflict between the two countries and that there are more common interests than conflicting ones.

Clearly, there is a need to restore trust, primarily through bilateral cooperation. In the cyber security sphere, this cooperation could be based on fighting cyber crimes. Hacking DNC servers is a crime that should be investigated, while the organizers and perpetrators of this crime should be held accountable. Considering the specifics of this crime, obviously its investigation is possible only with cooperation between Russia and the US and this will require the political will of both Moscow and Washington.

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<sup>49</sup> Foran, C, 2017, 'Trump's 'Inappropriate' Request to Intelligence Chiefs', *The Atlantic*, May 22. Available from: <https://www.theatlantic.com/politics/archive/2017/05/trump-russia-investigation-intel-officials/527715/>

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