

# Ray McGovern: Strzok Hoisted on His Own Petard

COMMENTARY: FBI agent Peter Strzok may be soon “thrown under the bus” in the ongoing investigation into Clinton’s emails and his alleged role in the Russia-gate investigation, comments Ray McGovern.

**By Ray McGovern**

*Special to Consortium News*



If FBI agent Peter Strzok were not so glib, it would have been easier to feel some sympathy for him during his tough grilling at the House oversight hearing on Thursday, even though his wounds are self-inflicted. The wounds, of course, ooze from the content of his own text message exchange with his lover and alleged co-conspirator, Lisa Page.

Strzok was a top FBI counterintelligence official and Page an attorney working for then-FBI Deputy Director Andrew McCabe. The Attorney General fired McCabe in March and DOJ has criminally referred McCabe to federal prosecutors for lying to Justice Department investigators.

On Thursday members of the House Judiciary and Oversight/Government Reform Committees questioned Strzok for eight hours on how he led the investigations of Hillary Clinton’s unauthorized emails and Donald Trump’s campaign’s ties with Russia, if any.

Strzok did his best to be sincerely slick. Even so, he seemed to feel beleaguered – even ambushed – by the questions of Republicans using his own words against him. “Disingenuous” is the word a Republican Congresswoman used to describe his performance. Nonetheless, he won consistent plaudits from the Democrats. He showed zero regret for the predicament he put himself into, except for regret at his royal screw-up in thinking he and Lisa could “talk about Hillary” (see below) on their FBI cellphones and no one would ever know. One wag has suggested that Strzok may have been surreptitiously texting, when he should have been listening to the briefing on “Cellphone Security 101.”

In any case, the chickens have now come home to roost. Most of those chickens, and Strzok's predicament in general, are demonstrably the result of his own incompetence. Indeed, Strzok seems the very embodiment of the "Peter Principle." FBI agents down the line – that is, the non-peter-principle people – are painfully aware of this, and resent the discredit that Strzok and his bosses have brought on the Bureau. Many are reportedly lining up to testify against what has been going on at the top.

It is always necessary at this point to note that the heads of the FBI, CIA, NSA and even the Department of Justice were operating, as former FBI Director James Comey later put it, in an environment "where Hillary Clinton was going to beat Donald Trump." Most of them expected to be able to stay in their key positions and were confident they would receive plaudits – not indictments – for the liberties that they, the most senior U.S. law enforcement officials, took with the law. In other words, once the reality that Mrs. Clinton was seen by virtually everyone to be a shoo-in is taken into account, the mind boggles a lot less.

### **Peter Principle**

In a text sent to Page on April 2, 2016, Strzok assured her that it was safe to use official cellphones. Page: "So look, you say we text on that phone when we talk about Hillary because it can't be traced." It goes downhill from there for the star-crossed lovers.

Pity Page, who asked for more time to answer a subpoena to testify to the same joint-committee. It is understandable that she would have trusted Strzok on this. After all, he was not only her lover, but also one of the FBI's top counterintelligence officials.

How could she ever have expected to taste the bitter irony that the above text exchange could be retrieved, find its way to the Department of Justice Inspector General, to Congress, and then to the rest of us, not to mention far more incriminating exchanges.

### **The 'Hillary Dispensation'**

There were moments of high irony at Thursday's hearing. For example,

under questioning by Darrell Issa (R-CA), Strzok appealed, in essence, for the same kid-gloves treatment that his FBI and DOJ associates afforded Mrs. Clinton during the Strzok-led investigation of her emails.

**Issa:** Mr. Strzok, you were part of the Hillary Clinton email investigation, that's correct?

**Strzok:** Yes.

**Issa:** And in that investigation, uh, you were part of the decision for her to, uh, and her lawyers, to go through emails that were produced during, uh, you, if you will, during her time as Secretary, go through and determine which ones were Government, and which ones were not, both the classified and unclassified, is that correct?

**Strzok:** I was not.

**Issa:** You were not involved at all.

**Strzok:** That's correct.

**Issa:** But you're aware of it.

**Strzok:** I..I'm aware of their statements to us about how they did it.

**Issa:** And do you think it was ok, uh, for Secretary Clinton to determine what could or couldn't, uh, uh, qualify for her to turn in under the Federal Records Act?

**Strzok:** I, I can't speak to that. That was a decision, my understanding between her and her attorneys, and...

**Issa:** Ok, but you were aware that in her production she failed to deliver some items that've now been ruled were classified, is that correct?

**Strzok:** I'm aware that we recovered information that was not in the material that she turned over. I don't know if it was her failure, the failure of the attorneys conducting that sort, or simply because she didn't have it. I, I don't know the answer to that question.

**Issa:** So, I bring up something that came up in the previous round. So far, only you have determined what should be turned over from your private emails, that, or your non-government emails and texts, what should be delivered because it was government in nature. You've made that decision.

**Strzok:** That's right.

**Issa:** And it's your position that nobody else in the way of a government entity should be able to look over your shoulder, so to speak, and make that decision.

**Strzok:** That, that's right.

**Issa:** So you think it's ok for the target – and you are a target – of an investigation to determine what should be delivered rather than, if you will, the government, right?

**Strzok:** Sir, I am not aware of any investigation of which I am a target, not aware I'm a target of any investigation.

At this point Issa tells Strzok he is indeed a target of investigation by Congress. More importantly, Issa makes the point that the content of the texts exchanged on the FBI phones contained a mixture of official business and personal matters.

So why, asks Issa, should we not ask you to provide similar texts from your personal exchanges, since there is likely to be a similar mixture of official and personal matters in those texts? Issa suggests they likely "would be similar."

Strzok asks if, by "similar," Issa means "commenting on Mr. Trump or Hillary Clinton or anything else political in nature." Strzok then adds, "I don't specifically recall but it is probably a safe assumption."

Uh oh.

**Strzok: No Good Options**

If Strzok was distracted by texting during the standard briefing on

“NSA Capabilities:101,” he may have missed the part about NSA collecting and storing everything that goes over the Internet. That would include, of course, his private text messages with Page on private phones.

There is, admittedly, a very slim chance Strzok is unaware of this. But, given his naiveté about how well protected the texts on his FBI cellphone were, that possibility cannot be ruled out. In any case, given the high stakes involved, there seems a chance he might be tempted to follow Mrs. Clinton’s example with her emails and try to delete or destroy texts that provide additional incriminating evidence – or get someone else to do so.

More probably, after Thursday’s hearing, Strzok will see it as too late for him to try to cash in on the “Hillary Exemption.” Strzok, after all, is not Hillary Clinton. In addition, it has probably long since dawned on him that his FBI and DOJ co-conspirators may well decide to “throw him under the bus,” one of those delicate expressions we use in Washington. In this connection, Strzok will have noted that last month McCabe asked the Senate Judiciary Committee to give him immunity from prosecution in return for his testimony on how senior officials at the FBI and Justice Department handled the investigation of Mrs. Clinton’s private email server.

If McCabe knows FBI history, he is aware that one of his predecessors as acting director, L. Patrick Gray, famously was left to “twist slowly in the wind” per the instructions of President Richard Nixon’s aide John Ehrlichman, when the Senate Judiciary Committee could not get satisfactory answers from Gray.

Nixon had nominated Gray to lead the FBI after J. Edgar Hoover died in May 1972, but he could never get confirmed by the Senate. Worse still, Gray was forced to resign after less than a year as acting FBI director, after he admitted to having destroyed Watergate-related documents.

### **Predictable Media Spin**

The “mainstream media” remain the main obstacle to understanding what

is going on behind the scenes. It would be easier to forgive them, were not a full-blown Constitutional crisis brewing between the Executive and Legislature branches, as the DOJ and FBI continue to resist Congress's requests for original documents. Former CIA chief John Brennan is also being given space to indulge in pre-emptive rhetoric that he apparently thinks will help when they get to him.

*The New York Times* reported Friday that "Peter Strzok ... was hauled before the House but came out swinging. ... The embattled F.B.I. agent who oversaw the opening of the Russia investigation mounted an aggressive defense of himself and the F.B.I. on Thursday, rejecting accusations that he let his private political views bias his official actions and labeling Republicans' preoccupation with him 'another victory notch in Putin's belt.'"

The Potomac Times (aka *The Washington Post*) ran similarly laudatory coverage of Strzok – "Strzok testifies amid partisan fury: heated hearing sheds little light as agent fumes at accusations of FBI bias" – and laced its coverage with a defamatory article about Rep. Jim Jordan (R-OH), who led the most aggressive Republican questioning of Strzok.

According to the *Times*, Jordan is "under withering scrutiny as he faces numerous accusations that he knew or should have known about the alleged sexual misconduct of a doctor who worked with the Ohio State wrestling team when Jordan was an assistant coach there between 1986 and 1995." The *Times* goes on to quote House Minority Leader Nancy Pelosi (D-CA): "Well, many people say that he did know and by his own standard, he should have known."

And, sadly, do not look to so-called progressive media for more balanced reporting. For example, *Democracy Now!* Friday morning chose to highlight Strzok's tortured explanation of what he really meant when he told Page, "We will stop" Trump. Strzok says the "we" he referred to was "the American population [which] would not elect somebody" who behaves like Trump. The context of that text exchange, however, makes it clear who the "we" is – or was.

Finally, for those with the courage to dissect and explain Strzok's

testimony to neighbors still drinking Russia-gate Kool-Aid, please note that Strzok's name is easier to say, than to spell. It is pronounced "struck" like "dumbstruck," or – equally applicable in Strzok's circumstances – "Moonstruck." Those watching Thursday's hearing will have noticed that not all members of the House Judiciary and Oversight/Government Reform Committees had gotten the word on how to pronounce what may now become a household word.

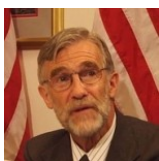
**Ray McGovern works with Tell the Word, a publishing arm of the ecumenical Church of the Saviour in inner-city Washington. A former U.S. Army officer and CIA analyst, he has closely watched Washington goings-on like this for five decades. Ray co-created Veteran Intelligence Professionals for Sanity (VIPS).**

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## Still Waiting for Evidence of a Russian Hack

More than two years after the allegation of Russian hacking of the 2016 U.S. presidential election was first made, conclusive proof is still lacking and may never be produced, says Ray McGovern.

**By Ray McGovern** *Special to Consortium News*



If you are wondering why so little is heard these days of accusations that Russia hacked into the U.S. election in 2016, it could be because those charges could not withstand close scrutiny. It could also be because special counsel Robert Mueller appears to have never bothered to investigate what was once the central alleged crime in Russia-gate as no one associated with WikiLeaks has ever been questioned by his team.

Veteran Intelligence Professionals for Sanity – including two “alumni” who were former National Security Agency technical directors – have long since concluded that Julian Assange did not acquire what he called the “emails related to Hillary Clinton” via a “hack” by the Russians or anyone else. They found, rather, that he got them from someone with physical access to Democratic National Committee computers who copied the material onto an external storage

device – probably a thumb drive. In December 2016 VIPS explained this in some detail in an open Memorandum to President Barack Obama.

On January 18, 2017 President Obama admitted that the “conclusions” of U.S. intelligence regarding how the alleged Russian hacking got to WikiLeaks were “inconclusive.” Even the vapid FBI/CIA/NSA “Intelligence Community Assessment of Russian Activities and Intentions in Recent U.S. Elections” of January 6, 2017, which tried to blame Russian President Vladimir Putin for election interference, contained no direct evidence of Russian involvement. That did not prevent the “handpicked” authors of that poor excuse for intelligence analysis from expressing “high confidence” that Russian intelligence “relayed material it acquired from the Democratic National Committee ... to WikiLeaks.” Handpicked analysts, of course, say what they are handpicked to say.

Never mind. The FBI/CIA/NSA “assessment” became bible truth for partisans like Rep. Adam Schiff (D-CA), ranking member of the House Intelligence Committee, who was among the first off the blocks to blame Russia for interfering to help Trump. It simply could not have been that Hillary Clinton was quite capable of snatching defeat out of victory all by herself. No, it had to have been the Russians.

Five days into the Trump presidency, I had a chance to challenge Schiff personally on the gaping disconnect between the Russians and WikiLeaks. Schiff still “can’t share the evidence” with me ... or with anyone else, because it does not exist.

## **WikiLeaks**

It was on June 12, 2016, just six weeks before the Democratic National Convention, that Assange announced the pending publication of “emails related to Hillary Clinton,” throwing the Clinton campaign into panic mode, since the emails would document strong bias in favor of Clinton and successful attempts to sabotage the campaign of Bernie Sanders. When the emails were published on July 22, just three days before the convention began, the campaign decided to create what I call a Magnificent Diversion, drawing attention away from the substance of the emails by blaming Russia for their release.

Clinton’s PR chief Jennifer Palmieri later admitted that she golf-carted around to various media outlets at the convention with instructions “to get the press to focus on something even we found difficult to process: the prospect that Russia had not only hacked and stolen emails from the DNC, but that it had done so to help Donald Trump and hurt Hillary Clinton.” The diversion worked like a charm. Mainstream media kept shouting “The Russians did it,” and gave little, if any, play to the DNC skullduggery revealed in the emails themselves. And like



Brer' Fox, Bernie didn't say nothin'.

Meanwhile, highly sophisticated technical experts, were hard at work fabricating "forensic facts" to "prove" the Russians did it. Here's how it played out:

**June 12, 2016:** Assange announces that WikiLeaks is about to publish "emails related to Hillary Clinton."

**June 14, 2016:** DNC contractor CrowdStrike, (with a dubious professional record and multiple conflicts of interest) announces that malware has been found on the DNC server and claims there is evidence it was injected by Russians.

**June 15, 2016:** "Guccifer 2.0" affirms the DNC statement; claims responsibility for the "hack;" claims to be a WikiLeaks source; and posts a document that the forensics show was synthetically tainted with "Russian fingerprints."

The June 12, 14, & 15 timing was hardly coincidence. Rather, it was the start of a pre-emptive move to associate Russia with anything WikiLeaks might have been about to publish and to "show" that it came from a Russian hack.

### **Enter Independent Investigators**

A year ago independent cyber-investigators completed the kind of forensic work that, for reasons best known to then-FBI Director James Comey, neither he nor the "handpicked analysts" who wrote the Jan. 6, 2017 assessment bothered to do. The independent investigators found verifiable evidence from metadata found in the record of an alleged Russian hack of July 5, 2016 showing that the "hack" that day of the DNC by Guccifer 2.0 was not a hack, by Russia or anyone else.

Rather it originated with a copy (onto an external storage device – a thumb drive, for example) by an insider – the same *process* used by the DNC insider/leaker before June 12, 2016 for an altogether different purpose. (Once the metadata was found and the "fluid dynamics" principle of physics applied, this was not difficult to disprove the validity of the claim that Russia was responsible.)

One of these independent investigators publishing under the name of The Forensicator on May 31 published new evidence that the Guccifer 2.0 persona uploaded a document from the West Coast of the United States, and not from Russia.

In our July 24, 2017 Memorandum to President Donald Trump we stated, "We do not know who or what the murky Guccifer 2.0 is. You may wish to ask the FBI."

Our July 24 Memorandum continued: "Mr. President, the disclosure described below may be related. Even if it is not, it is something we think you should be made

aware of in this general connection. On March 7, 2017, WikiLeaks began to publish a trove of original CIA documents that WikiLeaks labeled 'Vault 7.' WikiLeaks said it got the trove from a current or former CIA contractor and described it as comparable in scale and significance to the information Edward Snowden gave to reporters in 2013.

"No one has challenged the authenticity of the original documents of Vault 7, which disclosed a vast array of cyber warfare tools developed, probably with help from NSA, by CIA's Engineering Development Group. That Group was part of the sprawling CIA Directorate of Digital Innovation – a growth industry established by John Brennan in 2015. [ (VIPS warned President Obama of some of the dangers of that basic CIA reorganization at the time.)

### Marbled



“Scarcely imaginable digital tools – that can take control of

your car and make it race over 100 mph, for example, or can enable remote spying through a TV – were described and duly reported in the New York Times and other media throughout March. But the Vault 7, part 3 release on March 31 that exposed the “Marble Framework” program apparently was judged too delicate to qualify as ‘news fit to print’ and was kept out of the *Times* at the time, and has never been mentioned since.

“The Washington Post’s Ellen Nakashima, it seems, ‘did not get the memo’ in time. Her March 31 article bore the catching (and accurate) headline: ‘WikiLeaks’ latest release of CIA cyber-tools could blow the cover on agency hacking operations.’

“The WikiLeaks release indicated that Marble was designed for flexible and easy-

to-use 'obfuscation,' and that Marble source code includes a "de-obfuscator" to reverse CIA text obfuscation.

"More important, the CIA reportedly used Marble during 2016. In her *Washington Post* [report](#), Nakashima left that out, but did include another significant point made by WikiLeaks; namely, that the obfuscation tool could be used to conduct a 'forensic attribution double game' or false-flag operation because it included test samples in Chinese, Russian, Korean, Arabic and Farsi."

A few weeks later William Binney, a former NSA technical director, and I [commented](#) on Vault 7 Marble, and were able to get a shortened op-ed version [published](#) in *The Baltimore Sun*.

The CIA's reaction to the WikiLeaks disclosure of the Marble Framework tool was neuralgic. Then Director Mike Pompeo lashed out two weeks later, calling Assange and his associates "demons," and insisting; "It's time to call out WikiLeaks for what it really is, a non-state hostile intelligence service, often abetted by state actors like Russia."

Our July 24 Memorandum continued: "Mr. President, we do not know if CIA's Marble Framework, or tools like it, played some kind of role in the campaign to blame Russia for hacking the DNC. Nor do we know how candid the denizens of CIA's Digital Innovation Directorate have been with you and with Director Pompeo. These are areas that might profit from early White House review. [ President Trump then directed Pompeo to invite Binney, one of the authors of the July 24, 2017 VIPs Memorandum to the President, to discuss all this. Binney and Pompeo spent an hour together at CIA Headquarters on October 24, 2017, during which Binney briefed Pompeo with his customary straightforwardness. ]

"We also do not know if you have discussed cyber issues in any detail with President Putin. In his interview with NBC's Megyn Kelly he seemed quite willing – perhaps even eager – to address issues related to the kind of cyber tools revealed in the Vault 7 disclosures, if only to indicate he has been briefed on them. Putin pointed out that today's technology enables hacking to be 'masked and camouflaged to an extent that no one can understand the origin' [of the hack] ... And, vice versa, it is possible to set up any entity or any individual that everyone will think that they are the exact source of that attack.

"'Hackers may be anywhere,' he said. 'There may be hackers, by the way, in the United States who very craftily and professionally passed the buck to Russia. Can't you imagine such a scenario? ... I can.'

New attention has been drawn to these issues after I discussed them in a widely published 16-minute [interview](#) last Friday.

In view of the highly politicized environment surrounding these issues, I believe I must append here the same notice that VIPS felt compelled to add to our key Memorandum of July 24, 2017:

“Full Disclosure: Over recent decades the ethos of our intelligence profession has eroded in the public mind to the point that agenda-free analysis is deemed well nigh impossible. Thus, we add this disclaimer, which applies to everything we in VIPS say and do: We have no political agenda; our sole purpose is to spread truth around and, when necessary, hold to account our former intelligence colleagues.

“We speak and write without fear or favor. Consequently, any resemblance between what we say and what presidents, politicians and pundits say is purely coincidental.” The fact we find it is necessary to include that reminder speaks volumes about these highly politicized times.

**Ray McGovern works for Tell the Word, a publishing arm of the ecumenical Church of the Savior in inner-city Washington. He was an Army infantry/intelligence officer before serving as a CIA analyst for 27 years. His duties included preparing, and briefing one-on-one, the President’s Daily Brief.**

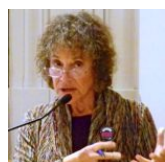
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## How to Get Off the Kill List

Years after George W. Bush created a secret “kill list” of alleged terrorism suspects, it remains murky how one gets on the list, and just as complicated to try to get off it, as Marjorie Cohn explains.

**By Marjorie Cohn**



**A**fter the 9/11 attacks, the Bush administration created a secret “kill list” to step up the targeting of alleged terrorists for assassination.

The criteria for inclusion on the list have apparently morphed over three presidential administrations, yet they remain elusive.

Last year, two journalists filed a federal lawsuit against Donald Trump and other high government officials, asking to be removed from the kill list until they have a meaningful opportunity to challenge their inclusion. Both men claim to have no association with al-Qaeda or the Taliban, to have no connection to the 9/11 attacks, and to pose no threat to the United States, its citizens, residents or national security.

### **Kareem and Zaidan Try to Get Off**

Bilal Abdul Kareem, a U.S. citizen and freelance journalist, has survived five attempts on his life from targeted air-strikes. A Turkish intelligence official told Kareem that the US government is trying to kill him.

Ahmad Muaffaq Zaidan, a citizen of Syria and Pakistan, is a senior journalist with Al Jazeera. He interviewed Osama bin Laden twice before the 9/11 attacks. Zaidan learned about his inclusion on the kill list from National Security Agency (NSA) documents leaked by Edward Snowden and published by The Intercept.

The NSA zeroed in on Zaidan as a result of a program called SKYNET. Ars Technica revealed that SKYNET – which uses an algorithm to gather metadata in order to identify and target terrorist suspects in Afghanistan, Pakistan and Somalia – would result in 99,000 false positives.

In their complaint filed in March 2017, Zaidan and Kareem alleged they were included on the kill list as a result of algorithms used by the United States to identify terrorists.

At a May 1 hearing in the case, Judge Rosemary Collyer of the U.S. District Court for the District of Columbia questioned the U.S. government's assertion of authority to unilaterally kill U.S. citizens abroad. Collyer repeatedly challenged government lawyers to explain why national security considerations outweigh a U.S. citizen's inclusion on the kill list with no right to notice and an opportunity to respond.

“Are you saying a US citizen in a war zone has no constitutional

rights?" Collyer asked Stephen Elliott, a Justice Department attorney. "If a US person is intentionally struck by a drone from the U.S., does that person have no constitutional rights to due process ... no notice, anything?"

### **Al-Aulaqi Placed on List in 2010, Killed in 2011**

Collyer is the same judge who, in 2014, dismissed a lawsuit filed by the families of Anwar al-Aulaqi, his son Abdulrahman al-Aulaqi and Samir Khan – all US citizens who were killed in 2011 US drone strikes. Their families were seeking to hold officials in the Obama administration personally liable for their roles in the strikes.

Nasser al-Aulaqi was the father of Anwar al-Aulaqi, who was placed on the kill list maintained by the CIA and the military's Joint Special Operations Command in 2010. Later that year, Nasser filed a lawsuit challenging the authorization for Anwar's killing before he was killed in a US drone strike in Yemen in 2011. Nasser's lawsuit sought clarification of the scope of the global battlefield, targeting standards and lack of transparency.

U.S. District Judge John Bates, also of the District of Columbia, dismissed Nasser's suit, ruling that he lacked standing to challenge the violation of Anwar's constitutional rights because Nasser's constitutional rights were not violated by the government's "alleged targeting of [Nasser's] son" and the alleged targeting was "not designed to interfere with the father-adult son relationship." Bates concluded, "[Nasser] cannot show that a parent suffers an injury in fact if his adult child is threatened with a future extrajudicial killing."

Bates also held that the political question doctrine, based on separation of powers, prevented the judicial branch from reviewing military and foreign affairs decisions made by the executive and legislative branches.

"At its core, the suit sought to exercise a still much-needed check on a dangerous claim of executive power," Center for Constitutional Rights attorney Pardiss Kebriaei, who filed the 2010 lawsuit on behalf

of Nasser, wrote in my collection, *Drones and Targeted Killing: Legal, Moral, and Geopolitical Issues*.

Like Kareem and Zaidan, Nasser claimed his son had a Fifth Amendment due process right to notice and an opportunity to be heard before being deprived of life, liberty or property.

In the 2014 al-Aulaqi/Khan lawsuit, Collyer considered the plaintiffs' due process claims, but concluded the families had no remedy for their losses. Collyer noted that the US government had relied on the 2001 Authorization for Use of Military Force and she found compelling considerations of national security, separation of powers and the risk of interfering with military decisions. Collyer wrote that reviewing those decisions would impermissibly insert the courts into "the heart of executive and military planning and deliberation."

But on May 1, Collyer distinguished Kareem and Zaidan from al-Aulaqi. Collyer said al-Aulaqi's case "was more clear to me because he was a terrorist and claimed to be one," but, "I'm very concerned about the rights of a US citizen who ... asserts that he is not a combatant, that he has not taken sides. He is just a journalist doing his job."

### **U.S. Citizens on List Violates Due Process**

In 2014, Judge Anna Brown of the U.S. District Court for the District of Oregon held in *Latif v. Holder* that plaintiffs' inclusion on the U.S. "no-fly list" violated their right to due process because it lacked "any meaningful procedures" for them to challenge their placement on the list. As those on the kill list, people on the no-fly list were given no notice or chance to contest the evidence used by the government to watchlist them.

Brown ordered defendants (former Attorney General Eric Holder, FBI Director James Comey and FBI Terrorist Screening Center Director Christopher Piehota) to "fashion new procedures that provide Plaintiffs with the requisite due process ... without jeopardizing national security."

But Brown limited her ruling to international, not domestic, travel. The government did not appeal Brown's ruling, although there has been

further litigation about what process is, in fact, due.

Attorney Steven Goldberg represented the plaintiff in *Tarhuni v. Holder*, a companion case to Latif. Goldberg told me that when they asked why the government put Tarhuni on the no-fly list, they were informed it was classified. "National security is always their defense," Goldberg said.

"The government uses the political question doctrine to avoid litigating these issues. But the cases implicate constitutional rights," he added. Goldberg noted that while courts need to be mindful of national security concerns, there are means to address them while permitting litigation of constitutional claims. They are contained in the Classified Information Procedures Act and lawyers can get security clearances with protective orders limiting disclosure.

Regarding placement on the kill list, however, one surefire way to get off is to wait until they kill you. Short of that, litigation and lobbying members of Congress remain less draconian alternatives.

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## Spooks Spooking Themselves

As the role of a well-connected group of British and U.S. intelligence agents begins to emerge, new suspicions are growing about what hand they may have had in weaving the Russia-gate story, as Daniel Lazare explains.

**By Daniel Lazare** *Special to Consortium News*





With the news that a Cambridge academic-cum-spy named Stefan Halper infiltrated the Trump campaign, the role of the intelligence agencies in shaping the great Russiagate saga is at last coming into focus.

It's looking more and more massive. The intelligence agencies initiated reports that Donald Trump was colluding with Russia, they nurtured them and helped them grow, and then they spread the word to the press and key government officials. Reportedly, they even tried to use these reports to force Trump to step down prior to his inauguration. Although the corporate press accuses Trump of conspiring with Russia to stop Hillary Clinton, the reverse now seems to be the case: the Obama administration intelligence agencies worked with Clinton to block "Siberian candidate" Trump.

The template was provided by ex-MI6 Director Richard Dearlove, Halper's friend and business partner. Sitting in winged chairs in London's venerable Garrick Club, according to *The Washington Post*, Dearlove told fellow MI6 veteran Christopher Steele, author of the famous "golden showers" opposition research dossier, that Trump "reminded him of a predicament he had faced years earlier, when he was chief of station for British intelligence in Washington and alerted US authorities to British information that a vice presidential hopeful had once been in communication with the Kremlin."

Apparently, one word from the Brits was enough to make the candidate in question step down. When that didn't work with Trump, Dearlove and his colleagues ratcheted up the pressure to make him see the light. A major scandal was thus born – or, rather, a very questionable scandal.

Besides Dearlove, Steele, and Halper, a bon-vivant known as "The Walrus" for his impressive girth, other participants include:

- Robert Hannigan, former director Government Communications Headquarters, GCHQ, UK equivalent of the NSA.
- Alexander Downer, top Australian diplomat.
- Andrew Wood, ex-British ambassador to Moscow.
- Joseph Mifsud, Maltese academic.
- James Clapper, ex-US Director of National Intelligence.
- John Brennan, former CIA Director (and now NBC News analyst).

### **In-Bred**

A few things stand out about this august group. One is its in-bred quality. After helping to run an annual confab known as the Cambridge Intelligence Seminar, Dearlove and Halper are now partners in a private venture

calling itself “The Cambridge Security Initiative.” Both are connected to another London-based intelligence firm known as Hakluyt & Co. Halper is also connected via two books he wrote with Hakluyt representative Jonathan Clarke and Dearlove has a close personal friendship with Hakluyt founder Mike Reynolds, yet another MI6 vet. Alexander Downer served a half-dozen years on Hakluyt’s international advisory board, while Andrew Wood is linked to Steele via Orbis Business Intelligence, the private research firm that Steele helped found, and which produced the anti-Trump dossier, and where Wood now serves as an unpaid advisor.

Everyone, in short, seems to know everyone else. But another thing that stands out about this group is its incompetence. Dearlove and Halper appear to be old-school paranoids for whom every Russian is a Boris Badenov or a Natasha Fatale. In February 2014, Halper notified US intelligence that Mike Flynn, Trump’s future national security adviser, had grown overly chummy with an Anglo-Russian scholar named Svetlana Lokhova whom Halper suspected of being a spy – suspicions that Lokhova convincingly argues are absurd.

In December 2016, Halper and Dearlove both resigned from the Cambridge Intelligence Seminar because they suspected that a company footing some of the costs was tied up with Russian intelligence – suspicions that Christopher Andrew, former chairman of the Cambridge history department and the seminar’s founder, regards as “absurd” as well.

As head of Britain’s foreign Secret Intelligence Service, as MI6 is formally known, Dearlove played a major role in drumming up support for the 2003 Anglo-American invasion of Iraq even while confessing at a secret Downing Street meeting that “the intelligence and facts were being fixed around the [regime-change] policy.” When the search for weapons of mass destruction turned up dry, Clapper, as then head of the National Imagery and Mapping Agency, argued that the Iraqi military must have smuggled them into neighboring Syria, a charge with absolutely no basis in fact but which helped pave the way for US regime-change efforts in that country too.

Brennan was meanwhile a high-level CIA official when the agency was fabricating evidence against Saddam Hussein and covering up Saudi Arabia’s role in 9/11. Wood not only continues to defend the Iraqi invasion, but dismisses fears of a rising fascist tide in the Ukraine as nothing more than “a crude political insult” hurled by Vladimir Putin for his own political benefit. Such views now seem distressingly misguided in view of the alt-right torchlight parades and spiraling anti-Semitism that are now a regular feature of life in the Ukraine.

The result is a diplo-espionage gang that is very bad at the facts but very good

at public manipulation – and which therefore decided to use its skill set out to create a public furor over alleged Russian interference in the 2016 presidential election.

### **It Started Late 2015**

The effort began in late 2015 when GCHQ, along with intelligence agencies in Poland, Estonia, and Germany, began monitoring what they said were “suspicious ‘interactions’ between figures connected to Trump and known or suspected Russian agents.”

Since Trump was surging ahead in the polls and scaring the pants off the foreign-policy establishment by calling for a rapprochement with Moscow, the agencies figured that Russia was somehow behind it. The pace accelerated in March 2016 when a 30-year-old policy consultant named George Papadopoulos joined the Trump campaign as a foreign-policy adviser. Traveling in Italy a week later, he ran into Mifsud, the London-based Maltese academic, who reportedly set about cultivating him after learning of his position with Trump. Mifsud claimed to have “substantial connections with Russian government officials,” according to prosecutors. Over breakfast at a London hotel, he told Papadopoulos that he had just returned from Moscow where he had learned that the Russians had “dirt” on Hillary Clinton in the form of “thousands of emails.”

This was the remark that supposedly triggered an FBI investigation. *The New York Times* describes Mifsud as “an enthusiastic promoter of President Vladimir V. Putin of Russia” and “a regular at meetings of the Valdai Discussion Club, an annual conference held in Sochi, Russia, that Mr. Putin attends,” which tried to suggest that he is a Kremlin agent of some sort. But WikiLeaks founder Julian Assange later tweeted photos of Mifsud with British Foreign Secretary Boris Johnson and a high-ranking British intelligence official named Claire Smith at a training session for Italian security agents in Rome. Since it’s unlikely that British intelligence would rely on a Russian agent in such circumstances, Mifsud’s intelligence ties are more likely with the UK.

After Papadopoulos caused a minor political ruckus by telling a reporter that Prime Minister David Cameron should apologize for criticizing Trump’s anti-Muslim pronouncements, a friend in the Israeli embassy put him in touch with a friend in the Australian embassy, who introduced him to Downer, her boss. Over drinks, Downer advised him to be more diplomatic. After Papadopoulos then passed along Mifsud’s tip about Clinton’s emails, Downer informed his government, which, in late July, informed the FBI.

### **Was Papadopoulos Set Up?**

Suspicious are unavoidable but evidence is lacking. Other pieces were meanwhile clicking into place. In late May or early June 2016, Fusion GPS, a private Washington intelligence firm employed by the Democratic National Committee, hired Steele to look into the Russian angle.

On June 20, he turned in the first of eighteen memos that would eventually comprise the Steele dossier, in this instance a three-page document asserting that Putin "has been cultivating, supporting and assisting TRUMP for at least 5 years" and that Russian intelligence possessed "kompromat" in the form of a video of prostitutes performing a "golden showers" show for his benefit at the Moscow Ritz-Carlton. A week or two later, Steele briefed the FBI on his findings. Around the same time, Robert Hannigan flew to Washington to brief CIA Director John Brennan about additional material that had come GCHQ's way, material so sensitive that it could only be handled at "director level."

One player was filling Papadopoulos's head with tales of Russian dirty tricks, another was telling the FBI, while a third was collecting more information and passing it on to the bureau as well.

On July 7, 2016 Carter Page delivered a lecture on U.S.-Russian relations in Moscow in which he complained that "Washington and other western capitals have impeded potential progress through their often hypocritical focus on ideas such as democratization, inequality, corruption, and regime change." Washington hawks expressed "unease" that someone representing the presumptive Republican nominee would take Russia's side in a growing neo-Cold War.

Stefan Halper then infiltrated the Trump campaign on behalf of the FBI as an informant in early July, weeks before the FBI launched its investigation. Halper had 36 years earlier infiltrated the Carter re-election campaign in 1980 using CIA agents to turn information over to the Reagan campaign. Now Halper began to court both Page and Papadopoulos, independently of each other.

On July 11, Page showed up at a Cambridge symposium at which Halper and Dearlove both spoke. In early September, Halper sent Papadopoulos an email offering \$3,000 and a paid trip to London to write a research paper on a disputed gas field in the eastern Mediterranean, his specialty. "George, you know about hacking the emails from Russia, right?" Halper asked when he got there, but Papadopoulos said he knew nothing. Halper also sought out Sam Clovis, Trump's national campaign co-chairman, with whom he chatted about China for an hour or so over coffee in Washington.

The rightwing Federalist website speculates that Halper was working with Steele to flesh out a Sept. 14 memo claiming that "Russians do have further 'kompromat' on CLINTON (e-mails) and [are] considering disseminating

it." Clovis believes that Halper was trying "to create an audit trail back to those [Clinton] emails from someone in the campaign ... so they could develop a stronger case for probable cause to continue to issue warrants and to further an investigation." Reports that Halper apparently sought a permanent post in the new administration suggest that the effort was meant to continue after inauguration.

Notwithstanding Clovis's nutty rightwing politics, his description of what Halper may have been up to makes sense as does his observation that Halper was trying "to build something that did not exist." Despite countless hyper-ventilating headlines about mysterious Trump Tower meetings and the like, the sad truth is that Russiagate after all these months is shaping up as even more of a "nothing-burger" than Obama administration veteran Van Jones said it was back in mid-2017. Special Prosecutor Robert Mueller has indicted Papadopoulos and others on procedural grounds, he has indicted former Trump campaign chairman Paul Manafort for corruption, and he has charged a St. Petersburg company known as the Internet Research Agency with violating US election laws.

But the corruption charges have nothing to do with Russian collusion and nothing in the indictment against IRA indicates that either the Kremlin or the Trump campaign were involved. Indeed, the activities that got IRA in trouble in the first place are so unimpressive – just \$46,000 worth of Facebook ads that it purchased prior to election day, some pro-Trump, some anti, and some with no particular slant at all – that Mueller probably wouldn't even have bothered if he hadn't been under intense pressure to come up with anything at all.

The same goes for the army of bots that Russia supposedly deployed on Twitter. As *The Washington Post* noted in an oddly, cool-headed Dec. 2 article, 2,700 suspected Russian-linked accounts generated just 202,000 tweets in a six-year period ending in August 2017, a drop in a bucket compared to the one billion election-related tweets sent out during the fourteen months leading up to Election Day.

The Steele dossier is also underwhelming. It declares on one page that the Kremlin sought to cultivate Trump by throwing "various lucrative real estate development business deals" his way but says on another that Trump's efforts to drum up business were unavailing and that he thus "had to settle for the use of extensive sexual services there from local prostitutes rather than business success."

Why would Trump turn down business offers when he couldn't generate any on his own? The idea that Putin would spot a U.S. reality-TV star somewhere around 2011 and conclude that he was destined for the Oval Office five years later is ludicrous. The fact that the Democratic National Committee funded the dossier

via its law firm Perkins Coie renders it less credible still, as does the fact that the world has heard nothing more about the alleged video despite the ongoing deterioration in US-Russian relations. What's the point of making a blackmail tape if you don't use it?

Even Steele is backing off. In a legal paper filed in response to a libel suit last May, he said the document "did not represent (and did not purport to represent) verified facts, but were raw intelligence which had identified a range of allegations that warranted investigation given their potential national security implications." The fact is that the "dossier" was opposition research, not an intelligence report. It was neither vetted by Steele nor anyone in an intelligence agency. Opposition research is intended to mix truths and fiction, to dig up plausible dirt to throw at your opponent, not to produce an intelligence assessment at taxpayer's expense to "protect" the country. And Steele was paid for it by the Democrats, not his government.

### **Using it Anyway**

Nonetheless, the spooks have made the most of such pseudo-evidence. Dearlove and Wood both advised Steele to take his "findings" to the FBI, while, after the election, Wood pulled Sen. John McCain aside at a security conference in Halifax, Nova Scotia, to let him know that the Russians might be blackmailing the president-elect. McCain dispatched long-time aide David J. Kramer to the UK to discuss the dossier with Steele directly.

Although Kramer denies it, *The New Yorker* found a former national-security official who says he spoke with him at the time and that Kramer's goal was to have McCain confront Trump with the dossier in the hope that he would resign on the spot. When that didn't happen, Clapper and Brennan arranged for FBI Director James Comey to confront Trump instead. Comey later testified that he didn't want Trump to think he was creating "a J. Edgar Hoover-type situation – I didn't want him thinking I was briefing him on this to sort of hang it over him in some way."

But how could Trump think otherwise? As Consortium News founding editor Robert Parry observed a few days later, the maneuver "resembles a tactic out of FBI Director J. Edgar Hoover's playbook on government-style blackmail: I have some very derogatory information about you that I'd sure hate to see end up in the press."

Since then, the Democrats have touted the dossier at every opportunity, *The New Yorker* continues to defend it, while *Times* columnist Michelle Goldberg cites it as well, saying it's a "rather obvious possibility that Trump is being blackmailed." CNN, for its part, suggested not long ago that the dossier may

actually be Russian disinformation designed to throw everyone off base, Republicans and Democrats alike.

It sounds more like CIA paranoia raised to the *nth* degree. But that's what the intelligence agencies are for, i.e. to spread fear and propaganda in order to stampede the public into supporting their imperial agenda. In this case, their efforts are so effective that they've gotten lost in a fog of their own making. If the corporate press fails to point this out, it's because reporters are too befogged themselves to notice.

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