

# NBC'S BROKEN STORY ABOUT MUELLER CHARGING THE DNC HACKERS

NBC has a BROKEN story reporting that Robert Mueller is contemplating charges against the people who carried out the hack of the DNC (and other targets) in 2016.

Special Counsel Robert Mueller is assembling a case for criminal charges against Russians who carried out the hacking and leaking of private information designed to hurt Democrats in the 2016 election, multiple current and former government officials familiar with the matter tell NBC News.

Much like the indictment Mueller filed last month charging a different group of Russians in a social media trolling and illegal-ad-buying scheme, the possible new charges are expected to rely heavily on secret intelligence gathered by the CIA, the FBI, the National Security Agency (NSA) and the Department of Homeland Security (DHS), several of the officials say.

Mueller's consideration of charges accusing Russians in the hacking case has not been reported previously. Sources say he has long had sufficient evidence to make a case, but strategic issues could dictate the timing. Potential charges include violations of statutes on conspiracy, election law as well as the Computer Fraud and Abuse Act. One U.S. official briefed on the matter said the charges are not imminent, but other knowledgeable sources said they are expected in the next few weeks or months. It's also

possible Mueller opts not to move forward because of concerns about exposing intelligence or other reasons – or that he files the indictment under seal, so the public doesn't see it initially.

As they have frequently of late, they misunderstand the story they're telling. They misunderstand this sentence, entirely.

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It's not news, at all, that DOJ was considering charges against those who carried out the hack. Nor is it news that DOJ had enough evidence to charge people in it.

Here's what WSJ reported on those two topics in November, almost exactly four months ago.

The Justice Department has identified more than six members of the Russian government involved in hacking the Democratic National Committee's computers and swiping sensitive information that became public during the 2016 presidential election, according to people familiar with the investigation.

Prosecutors and agents have assembled evidence to charge the Russian officials and could bring a case next year, these people said. Discussions about the case are in the early stages, they said.

[snip]

The pinpointing of particular Russian military and intelligence hackers highlights the exhaustive nature of the government's probe. It also suggests the eagerness of some federal prosecutors and Federal Bureau of Investigation agents to file charges against those

responsible, even if the result is naming the alleged perpetrators publicly and making it difficult for them to travel, rather than incarcerating them. Arresting Russian operatives is highly unlikely, people familiar with the probe said.

So: not news that DOJ had pinpointed Russians responsible, not news they were planning on charges “next year” last year, which would mean, “this year” this year.

What is news is that this reporting from the WSJ report is no longer operative.

Federal prosecutors and federal agents working in Washington, Pittsburgh, San Francisco and Philadelphia have been collaborating on the DNC investigation. The inquiry is being conducted separately from Special Counsel Robert Mueller’s investigation of alleged Russian meddling in the 2016 election and any possible collusion by President Donald Trump’s associates.

[snip]

The Justice Department and FBI investigation into the DNC hack had been under way for nearly a year, by prosecutors and agents with cyber expertise, before Mr. Mueller was appointed in May. Rather than take over the relatively technical cyber investigation, Mr. Mueller and the Justice Department agreed that it would be better for the original prosecutors and agents to retain that aspect of the case, the people familiar with the Justice Department-FBI probe said. [my emphasis]

Mind you, we’ve since learned that Ryan Dickey got added to Mueller’s team ... oh, in November. And contrary to what NBC says about the heavy

reliance, in the Internet Research Agency indictment, "on secret intelligence gathered by the CIA, the FBI, the National Security Agency (NSA) and the Department of Homeland Security (DHS)," it really wasn't all that sophisticated from a cybersecurity standpoint. Especially not once you consider the interesting forensics on it (aside from IDing the IRA's VPNs) would have come from Facebook and Twitter.

You don't need Dickey's talents for the IRA indictment. You need him for something that is technical.

I'll leave it for you to consider what it means that Mueller subsumed this part of the investigation even as WSJ was reporting he wasn't going to do that. I'll leave you to consider, too, what it means that they brought in a prosecutor with the ability to try these things.

But understand that the news here is *not* that DOJ is contemplating indicting the people behind the DNC hack. WSJ already scooped that story. It's that Mueller, not prosecutors in Pittsburgh, San Francisco and Philadelphia, are going to charge it.