

SCOTT BRADY ADMITTED HE “WAS IN THE ROOM” FOR ONE PARTISAN ERRAND; WAS THERE FOR A SECOND?

It should surprise no one that in Scott Brady’s deposition before House Judiciary Committee last October, he refused to say whether he believes that voter fraud undermined the 2020 election.

Q Okay. All right. I think we’re almost done. You were U.S. attorney in Pittsburgh through, I think, you said the end of February 2021, correct?

A Correct.

Q So you were there during the 2020 election, correct?

A Yes.

Q Are you aware of allegations that there was widespread voter fraud in 2020?

Mr. [Andrew] Lelling. You’re a little outside the scope.

Q All right. So he’s declining. It’s fine. I’m just making a record. You’re declining to answer?

Mr. Lelling. He’s declining to answer.

Q Are you aware of allegations that President Biden was not fairly elected in 2020?

Mr. Lelling. Same. He’s not going to answer questions on that subject. [] Okay.

Q And do you believe that President Biden was fairly elected in 2020?

Mr. Lelling. He's not going to answer that question.

This shouldn't be a surprise because, in 2022, DOJ IG rebuked Brady for impugning a career prosecutor whose spouse signed a letter (also signed by Hunter Biden prosecutor Leo Wise, by the way) calling on Bill Barr to adhere to past practice regarding interference in voter fraud investigations.

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated an investigation after receiving a complaint regarding a then U.S. Attorney's response, during a press conference on an unrelated case, to a reporter's question about a letter signed by a number of Assistant U.S. Attorneys (AUSA) that was critical of a voting fraud investigations memorandum issued by then Attorney General William Barr. The complaint alleged that the U.S. Attorney responded to the reporter's question about whether the U.S. Attorney's Office (USAO) had signed the letter by personally attacking the AUSA from that USAO who signed the letter.

The OIG investigation substantiated the allegation. The investigation determined that the U.S. Attorney, in response to the reporter's question, sought to undermine the AUSA's professional reputation by referencing that the spouse of the AUSA who signed the letter had previously worked for two U.S. Attorneys General of the previous administration, thereby inappropriately suggesting that partisan political considerations motivated the AUSA to sign the letter.

As with much of his testimony before House Judiciary, the Brady comment in question spun

the adherence to norms as political interference.

“I can’t comment on any existing investigations,” Brady said. “To the second [question], one of our two district election officers, who was married to the former chief of staff of [Attorneys General] Eric Holder and Loretta Lynch, did sign onto that unbeknownst to anyone in leadership before he signed onto that and did not talk about that with his fellow district election officer, who’s also our ethics advisor.”

Nadler’s staffers elicited Brady’s predictable non-answer about whether Joe Biden was fairly elected just as the deposition ended. Perhaps they asked the question to demonstrate Brady’s partisanship if he were ever to testify in impeachment.

But it’s worthwhile background to something Brady said that did shock me – more than his refusal to affirm that Joe Biden was fairly elected President, more than his blasé description of ingesting information from at least one Russian spy to be used in an investigation of Donald Trump’s rival.

Brady, the one-time US Attorney for Pittsburgh, similarly dodged when asked whether he believed that Russia had interfered in the 2016 election.

Q Okay. And were you aware of Mr. Giuliani’s claim that Ukraine had interfered in the 2016 Presidential election?

A I don’t believe I was aware of that.

Q Okay. And just were you aware of the intelligence community’s conclusion that Russia actually interfered in the 2016 Presidential election?

A Wait. Let’s unpack that. So could you ask that again, please?

Q Are you aware of the U.S. intelligence community's conclusion that Russia interfered in the 2016 Presidential election?

A I am aware of allegations of Russian interference. Conclusive determinations by the entire intelligence community of the United States, I'm not certain, especially in light of the Crossfire Hurricane investigation.

Q Have you read the Mueller report?

A The whole Mueller report? Parts of it. I have read parts of it.

Because of that answer, Nadler's staffers asked Brady if he was familiar with the Intelligence Community Assessment that Russia had interfered in 2016. After first suggesting that Barr's stunts to undermine the Mueller investigation had raised doubts for him, Brady then admitted that the office he oversaw had investigated GRU both before and after Mueller did.

Q Okay. And so you don't have any opinion of whether the findings, the conclusions of this report are true and accurate or not?

A Well, I don't know what the findings are. I am generally aware of allegations of Russian interference in U.S. elections. My office has investigated Russian investigations I'm sorry. My office has investigated Russian interference in French elections, Georgian elections.

Q Uhhuh.

A So I have no doubt that Russia and other adversaries attempt to interfere in our elections on a regular basis.

Q And you have no evidence to dispute the findings of the Director of National Intelligence in this report?

A Other than what is publicly available given Mr. Mueller's report and then his appearance before Congress and then General Barr's disposition of that matter.

Q But you have no personal knowledge. In other words, you have not personally investigated the matter.

A Could I have a moment, please?

[Discussion off the record.]

Mr. Brady. I am aware of this.

Q Uhhuh.

Mr. Brady. The Pittsburgh office, the U.S. Attorney's Office in the Western District of Pennsylvania, had an investigation into the hacking of the DNC.

Q Uhhuh.

Mr. Brady. We were investigating that until it was transmitted to Director Mueller's office for part of his investigation. So, yes, I am I am aware.

Andrew Weissmann has described that after Mueller's team started, first Jeanie Rhee and then he asked for a briefing on the investigation into the hack-and-leak, only to discover no one was investigating the dissemination of the stolen documents.

As soon as the Special Counsel's Office opened up shop, Team R inherited work produced by other government investigations that had been launched before ours: These included the Papadopoulos lead, the National Security Division's investigation into Russian hacking, and the Intelligence Community's written assessment on Russian interference.

Ingesting this information was the

domain of Team R, and Jeannie had quickly gotten to work untangling and synthesizing the facts. A few weeks after I arrived, I asked attorneys in the National Security Division of the Department of Justice to give me the same briefing they had given Jeannie, so I could familiarize myself with the investigation they'd been conducting into Russian hacking.

The meeting was in a SCIF at Justice's imposing art deco headquarters on Pennsylvania Avenue.

[snip]

Because my debriefing with the National Security Division involved classified information, I cannot discuss its content substantively here. It took a couple of hours, as a team of NSD lawyers graciously walked me through what they had been up to and answered all my questions. As soon as I got back to our offices, however, I made a beeline to Jeannie's office and immediately asked her: "What the fuck?"

"I know," she said. She didn't need me to finish my thought.

We had both been shocked by something we'd heard in our briefings—but it was less the substance of the Justice Department's investigation than its approach. Jeannie knew that she was going to inherit some evidence that Russia had hacked the DNC and DCCC emails, but she was astonished that **the National Security Division was not examining what the Russians had done with the emails and other documents they'd stolen from those servers—how the release of that information was weaponized by targeted release, and whether the Russians had any American accomplices.** More alarmingly, the

Department was not apparently looking beyond the hacking at all, to examine whether there had been other Russian efforts to disrupt the election. It was staggering to us that the Justice Department's investigation was so narrowly circumscribed. Election interference by a foreign power was, inarguably, a national security issue; we expected the National Security Division to undertake a comprehensive investigation. Once again, Jeannie and I were left to speculate as to whether this lapse was the result of incompetence, political interference, fear of turning up answers that the Department's political leaders would not like, or all of the above. The Intelligence Community's investigation had assessed that Russia was behind the hacking, but remained seemingly incurious as to everything else. "The rest is going to be up to us," Jeannie explained. [my emphasis]

The failures to investigate before Mueller got involved couldn't have been Brady's doing. He wasn't nominated (in the same batch as the Jones Day attorney who represented him here, Andrew Lelling, in his deposition) until after this happened, on September 8, 2017; he wasn't confirmed until December 14, 2017.

But his answer seems to reflect exposure to the investigation after the fact.

That makes sense, for two reasons. First, in October 2018, his office indicted some of the GRU hackers for their hack of the World Anti-Doping Agency. As I've noted in a post comparing the two indictments, that hack used some of the same infrastructure as the DNC hack did, though the WADA indictment adopted a different approach to describing the dissemination of the hacked materials.

Then, weeks before the 2020 election, his office

indicted GRU hackers again, focused largely on NotPetya and the hack of the Pyeongchang Olympics, but also including the French and Georgian hacks that Brady mentioned. The primary hacker involved in the French and Georgia hacks, Anatoliy Kovalev was also charged in the DNC indictment.

The 2020 indictment adopted a different approach, a third one, to discussing the dissemination of the stolen files as I describe below.

But those later two indictments are one reason it's so surprising that Brady would suggest any doubt on the DNC attribution. If you believe what was in the 2018 and 2020 indictments, if you *signed your name to them*, it's hard to see how you could doubt the 2018 DNC indictment. They involved some of the same people and infrastructure.

The other reason I was alarmed by Brady's comment is that he described these GRU indictments, along with the Rudy laundering project and the response to the Tree of Life synagogue attack, as the three events where Brady was in the room for the prosecutorial decisions.

Q Is it unusual for a United States attorney to participate in witness interviews directly, personally?

A No. It depends on the scope and sensitivity of the matter.

Q Okay. And have you, as a U.S. attorney, ever participated in a witness interview in an investigation or matter under your direction?

A As U.S. attorney, I have been involved in many meetings with the line AUSAs and agents, including our Tree of Life prosecution for the synagogue shooting. We had a number of highlevel investigations and indictments of the Russian intelligence directorate of the

GRU, and I was in the room and a part of those meetings. I can't remember if we had a witness interview that I was involved in, but I may have been.

This is where I took notice.

Particularly given my observation that one way in which the Macron hack-and-leak, the French hack Brady mentioned, differed from the DNC indictment released by Mueller is in the claimed failure to discover how the stolen Macron files got disseminated.

The Olympic Destroyer indictment obtained weeks before the election held Kovalev (and the GRU) accountable for the spearphish and communications with some French participants.

27. From on or about April 3, 2017, through on or about May 3, 2017 (during the days leading up to the May 7, 2017, presidential election in France), the Conspirators conducted seven spearphishing campaigns targeting more than 100 individuals who were members of now-President Macron's "La Republique En Marche!" ("En Marche!") political party, other French politicians and high-profile individuals, and several email addresses associated with local French governments. The topics of these campaigns included public security announcements regarding terrorist attacks, email account lockouts, software updates for voting machines, journalist scoops on political scandals, En Marche! press relationships, and En Marche! internal cybersecurity recommendations.

28. KOVALEV participated in some of these campaigns. For example, on or about April 21, 2017, KOVALEV developed and tested a technique for sending spearphishing emails themed around file sharing through Google Docs. KOVALEV then crafted a malware-laced document entitled "Qui_peut_parler_ aux_journalists.docx" (which translates to "Who can talk to journalists") that purported to list nine En Marche! staff members who could talk to journalists about the previous day's terrorist attack on the Champs-Elysees in Paris. Later that day, the Conspirators used an email account that mimicked the name of then-candidate Macron's press secretary to send a Google Docs-themed spearphishing email to approximately 30 En Marche! staff members or advisors, which purported to share this document.

29. From on or about April 12, 2017, until on or about April 26, 2017, a GRU-controlled social media account communicated with various French individuals offering to provide them with internal documents from En Marche! that the user(s) of the account claimed to possess.

But it professed utter and complete ignorance about how the stolen documents started to get leaked.

30. On or about May 3 and May 5, 2017, unidentified individuals began to leak documents

purporting to be from the En Marche! campaign's email accounts.

But they weren't unidentified, at least not all of them! As a DFIR report released 15-months before this indictment laid out, while there was a Latvian IP address that hadn't been publicly identified at that point (one the FBI surely had some ability to unpack), the American alt-right, including Stone associate Jack Posobiec, made the campaign go viral, all in conjunction with WikiLeaks.

[snip]

MacronLeaks was, openly and proudly, a joint venture between the GRU, far right influencers in Stone's immediate orbit, and WikiLeaks. It was an attempt to repeat the 2016 miracle that elected Donald Trump, by supporting the Russian-supporting Marine Le Pen by damaging Macron.

That is, one of the three investigations in which Brady said he had a more involved role is the one where an indictment happened not to name the far right figures known to have "colluded" with Russian spook hackers.

On October 19, Scott Brady's office released an indictment that pulled its punches regarding the Trump boosters who were involved in a Russian hack-and-leak operation. On October 23, his team laundered an uncorroborated accusation of bribery into the Hunter Biden investigation. Then less than a month after that, on November 18, Brady ignored a warning about protected speech and made a baseless accusation of politicization.

Scott Brady thought to raise questions regarding things to which others signed their name. But his HJC testimony raises far more questions

about things to which he signed his name.

This post is part of a Ball of Thread I'm putting together before I attempt to explain how Trump trained Republicans to hate rule of law. See this post for an explanation of my Ball of Thread.