

# CLOUD COMPUTING AND THE SINGLE SERVER

An abbreviated primer on cloud computing and points to ponder about the mythological 'single server'. This is an open thread.

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## RICK GATES' STATUS REPORT SUGGESTS TRUMP WILL BE A FOCUS OF ROGER STONE'S TRIAL

Trump's lies to Mueller are perhaps best documented as they pertain to WikiLeaks. Using Gates as a witness at Stone's trial will make the trial an exhibition of the President's lies as much as those of his rat-fucker.

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## A TALE OF THREE (FORMER) MUELLER DOCKETS

Mueller has been done for three weeks. But there's still interesting things going on in the dockets of top Trump flunkies.

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# **TRUMP'S EXCUSE FOR HIS PROMISED SPEECH ON HILLARY CLINTON**

The "Clinton dossier" Guccifer 2.0 released on June 21, 2016 largely matched the topics that Trump said would have been included in a June 13, 2016 speech targeting Clinton.

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## **IN A SHODDY ATTEMPT TO INFLATE THE SINGLE SERVER FALLACY, ROGER STONE SUGGESTS COMMUNICATING WITH GUCCIFER 2.0 WOULD BE CRIMINAL**

In a frivolous pair of motions, Roger Stone is going after CrowdStrike's analysis of the Russian hack. In the first, he demands full unredacted copies of CrowdStrike's reports on the hacks. He bases that demand on a claim the CrowdStrike reports are material to a motion to suppress the warrants against him because – he claims, falsely – the government relied exclusively on the CrowdStrike reports to decide Russia had hacked Democratic targets, so if the reports are faulty, then so are the warrants.

The entire stunt is based off what appears to be an inaccurate claim – that this government response to some other frivolous motions claimed they didn't have to prove that Russia hacked

Democratic targets.

The Government stated in its Opposition to Stone's Motion to Dismiss (Dkt # 99) that it will not be required to prove that the Russians hacked either the Democratic National Committee ("DNC") or Democratic Congressional Campaign Committee ("DCCC") from outside their physical premises or that the Russians were responsible for delivering the data to WikiLeaks.

Maybe he's thinking of another government response to his motions that notes they don't have to prove an underlying crime to prove obstruction, but the one he cites (without paragraph citation) doesn't make that claim. I mean, it is true that the government doesn't have to prove the underlying crime, but that's still another issue than having to prove what physical premises the Russians hacked the DNC from.

In his demand for the CrowdStrike servers, Stone at least claims he's making the demand to distinguish his case from all the other Trump flunkies prosecuted for lying to Congress and mount a materiality challenge to his false statements prosecution.

As to selective prosecution, if the Russian state did not hack the DNC, DCCC, or Podesta's servers, then Roger Stone was prosecuted for obstructing a congressional investigation into an unproven Russian state hacking conspiracy, while others similarly situated were not. Lastly, if the Russian state did not hack the servers or did not transfer the data to WikiLeaks, the exculpatory evidence regarding materiality, a factual issue for the jury, is amplified.

But in his Fourth Amendment challenge, Stone

suggested that if Russia didn't hack the Democrats and hand the documents to WikiLeaks, then speaking to WikiLeaks and Guccifer 2.0 would not be a crime.

If these premises are not the foundation for probable cause, Roger Stone communicating with a Twitter user named "Guccifer 2.0" or speaking with WikiLeaks, would not constitute criminal activity.

Hmm.

Speaking to WikiLeaks and Guccifer 2.0 would only be a crime if Stone engaged in a conspiracy with them, and a good bit of the redacted language on prosecutorial decisions in the Mueller Report probably says the First Amendment otherwise protects such speech. That said, the claim that talking to them would be a crime is interesting given some of the crimes for which the government showed probable cause in his warrant affidavits.

The search warrant applications however, allege that the FBI was investigating various crimes at different times, such as Stone for accessory after the fact, misprision of a felony, conspiracy, false statements, unauthorized access of a protected computer, obstruction of justice, witness tampering, wire fraud, attempt and conspiracy to commit wire fraud, and foreign contributions ban. The uncharged conduct particularly relied upon the assumptions the Russian state is responsible for hacking the DNC, DCCC,<sup>1</sup> and even (although not as clear) Hillary Clinton campaign manager, John Podesta.

Stone is not, here, claiming that the government didn't show a lot of evidence he engaged in these crimes (and remember, the government has told Andrew Miller that they're likely to

supersede Stone's current indictment after they get Miller's grand jury testimony, the content of which they know from an FBI interview last year). Rather, he's claiming that these hacking-related crimes would only be illegal if the Russians did the hacking. (I really look forward to the government response to this, because some of these crimes would be crimes based on Julian Assange's foreign status, not GRU's, and wire fraud is a crime all by itself.)

Perhaps most interesting is the way Stone's lawyers dismiss the Mueller Report (and the GRU indictment's) focus on DCCC and Podesta documents. A footnote even suggests falsely that the Mueller Report said the DCCC documents did not get released.

WikiLeaks never released the DCCC documents. The Mueller report suggests the hack of the DCCC only provided additional keys to access the DNC servers.

At one point – perhaps a critical one – Stone uses the fact that the GRU hacked the DNC's AWS server after Stone dismissed the value of the DCCC oppo research Guccifer 2.0 discussed with Stone in early September 2016 to suggest CrowdStrike was not competent.

CrowdStrike's three draft reports are dated [sic] August 8 and August 24, 2016. The Mueller Report states Unit 26165 officers also hacked into a DNC account hosted on a cloud-computing service on September 20, 2016, thereby illustrating the government's reliance on CrowdStrike even though the DNC suffered another attack under CrowdStrike's watch.

Of course, CrowdStrike had little ability to protect AWS' servers.

Ultimately, this is an attempt to misrepresent the Mueller Report and GRU indictment to shift

the focus away from the Podesta and DCCC documents – where Stone’s greater criminal exposure might lie – and onto the Single Server Fallacy about the DNC server, which is irrelevant to those other documents.

And along the way, Stone lays out a good number of impressive crimes he was and may still be at risk for, and admits the government believed his actions are closely enough tied to the hacks to get redacted copies of the CrowdStrike reports in discovery. He also concedes (incorrectly) that simply speaking to WikiLeaks and Guccifer 2.0 may be a crime.

*As I disclosed last July, I provided information to the FBI on issues related to the Mueller investigation, so I’m going to include disclosure statements on Mueller investigation posts from here on out. I will include the disclosure whether or not the stuff I shared with the FBI pertains to the subject of the post.*

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## **WHY DIDN’T MUELLER HOLD COUNTERINTELLIGENCE SUSPECT MIKE FLYNN RESPONSIBLE FOR SANCTIONS CALL?**

For some reason, Mueller did not hold Mike Flynn responsible for – at a time when he was under active counterintelligence investigation for his ties to Russia – undercutting the official policy of the US on punishing Russia for its election year attack. I wonder whether the any counterintelligence interviews may explain why.

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## **DID ROD ROSENSTEIN PRESSURE MUELLER TO ENTER THE PLEA DEAL WITH PAUL MANAFORT?**

According to Andrew Weissmann, there was a lot of pressure to enter into a plea deal with Paul Manafort last September, which had the effect of shifting attention from the Mueller investigation during the election. We now know that prosecutors already knew he was lying to them when they entered into that plea deal.

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## **ONE MAN'S DECLINATION DECISION IS ANOTHER MAN'S CRIMINAL SUSPECT FAILSON**

One thing Robert Mueller's March 27 letter to Attorney General William Barr reveals – in addition to the fact that Mueller is as pissed as he has ever been in his career – is that the two men think very differently about the redactions in the now released report. DOJ has always said it redacted information for four reasons:

- Grand jury material
- Ongoing investigations
- Investigative techniques (sources and methods)

## ▪ Peripheral privacy

It was always clear the last category was – as described – abusively applied. That's because a number of knowable PP details involve people who are not peripheral at all. For example, I suggested that the redacted description of someone who committed perjury on page 194 might be Carter Page (one other possibility, given the discrepancies between George Papadopoulos and Sam Clovis' testimony, is the latter figure). One of the people whose lies are detailed on page 199 must be KT McFarland, who managed to correct the lies she told when first interviewed by the FBI in the wake of Mike Flynn's plea deal.

But the most obvious example of this comes in the scope paragraph on page 12:

On October 20, 2017, the Acting Attorney General confirmed in a memorandum the Special Counsel's investigative authority as to several individuals and entities. First, "as part of a full and thorough investigation of the Russian government's efforts to interfere in the 2016 presidential election," the Special Counsel was authorized to investigate "the pertinent activities of Michael Cohen, Richard Gates, [Personal Privacy], Roger Stone, and [PP]." "Confirmation of the authorization to investigate such individuals," the memorandum stressed, "does not suggest that the Special Counsel has made a determination that any of them has committed a crime." Second, with respect to Michael Cohen, the memorandum recognized the Special Counsel's authority to investigate "leads relate[d] to Cohen's establishment and use of Essential Consultants LLC to, *inter alia*, receive funds from Russian-backed entities." Third, the memorandum memorialized the Special Counsel's authority to investigate individuals and entities who were possibly engaged in "jointly undertaken activity" with existing subjects of the investigation, including Paul Manafort. Finally, the memorandum described an FBI investigation opened before the Special Counsel's appointment into "allegations that [then-Attorney General Jeff Sessions] made false statements to the United States Senat[e]." and confirmed the Special Counsel's authority to investigate that matter.

While the first redaction is uncertain, the second redaction of the expanded scope – which came after the investigation started focusing on the June 9 meeting – has to be Don Jr given the spacing on the second line, which can only be a suffix.

KT McFarland is not a peripheral figure by any shade. But the President's son is the definition of a central player. And yet Bill Barr would have you believe that redaction is some coffee boy hired on a whim.

And the thing is, these redactions are hiding not just innocent bystanders. Don Jr is someone whom Mueller believed broke the law – at least on campaign finance and maybe on CFAA when he accessed a non-public site using a password obtained from WikiLeaks (I had thought the



redaction on page 179 was of some script kiddies investigated in Philadelphia, but now that I realize these PP redactions are not of peripheral people at all, I'm reconsidering) – but who couldn't or shouldn't be charged.

Compare his treatment with that of Jeff Sessions' forgetfulness about meeting with Sergey Kislyak, which the report presents as a complete exoneration. The discussion of that exoneration is unredacted in both the investigative scope on page 12 and declinations section (197-198).

Mueller in his letter makes it clear he doesn't consider that PP category peripheral people. Rather, he treats it as a declination decision.

I previously sent you a letter dated March 25, 2019, that enclosed the introduction and executive summary for each volume of the Special Counsel's report marked with redactions to remove any information that potentially could be protected by Federal Rule of Criminal Procedure 6(e); **that concerned declination decisions**; or that related to a charged case. [my emphasis]

The appropriateness of the redaction may be the same in both cases: clearly Mueller believes those not charged, even if it was a close call, should not be identified (with the notable exception of Jeff Sessions).

But Mueller is not pretending these are peripheral figures. The Attorney General is hiding the seriousness of potential criminal acts by at least five Trump flunkies – including Trump's failson – by pretending these people are peripheral figures rather than central figures that, for whatever reason, the Special Counsel decided not to charge.

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## **WILLIAM BARR ABSOLVED TRUMP OF OBSTRUCTION WITHOUT HAVING THE FAINTEST CLUE WHAT HE OBSTRUCTED**

In his SJC hearing today, the Attorney General said it was okay for Trump to obstruct the Mueller investigation because (he claims) Trump was falsely accused, without being aware that the report showed that several of the key allegations against Trump – including that his campaign manager coordinated with Russians, including one Barr agrees is a bottom-feeding scum-sucker” with ties to Russian intelligence – were actually true.

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## **USEFUL, BUT WILLFUL, IDIOT: “PAGE OR” “OR JD GORDON” [UPDATED]**

It turns out there was a lot more implicating Carter Page as a willful agent of Russian than those wailing about his FISA application have let on.